

If the treaties were merely bilateral in character, the gift of the American markets would not be so complete. It is everywhere known that previous to 1934 our Government had entered into commercial treaties containing unconditional most-favored-nation clauses. Under the operation of these treaties the concessions which are now being made in the reciprocal trade agreements must be extended to other nations having a most-favored-nation treaty with us. The net result is that concessions made by the United States are "generalized" so that when made in one trade treaty in behalf of one nation they are enjoyed by the producers of every other nation. The whole procedure is nothing less than a scheme to reduce the tariff protection heretofore enjoyed by the American people, all without special act of Congress, without ratification by the Senate and without warning to our own citizens. The blow is not softened by the secret processes employed by the State Department in bartering away the tariff protection to which our industries owe their existence.

The execution of these treaties has been delegated by the President to the State Department and has been in actual charge of Dr. Henry F. Grady. In *Foreign Affairs*, issue of January 1936, in speaking of the trade treaties, Dr. Grady said:

"Our objective is the general amelioration of the world situation." This is a broader and different objective than the "expansion of foreign markets" for American products, referred to in the act. At Riverside, Calif., December 20, 1935, Dr. Grady said:

"We are to a greater degree than ever before meshing our domestic economy into world economy."

Thus the trade treaty program becomes a sort of a commercial league of nations and the objectives announced by Congress in the act have been disregarded in behalf of a nebulous theory of world benefit.

This altruistic but nebulous theory is as mistaken as any other league of nations. It implies too many chances for foreign entanglements which operate to the disadvantage of our people. Common sense and the determined resolution of American patriots kept us out of the League of Nations, and should keep us out of these commercial agreements. The League of Nations, with its military sanctions, stands revealed as more likely to cause than to cure war. The commercial agreements are more likely to prolong than to end depression.

Prior to the Canadian treaty the potato growers of Maine, and many others, submitted to the President written protests against reduction of duty on potatoes in the proposed trade agreement with Canada. The State Department issued a press release April 16, 1935, in which it denied that the administration had decided to reduce the duty on potatoes. As you know, the reduction was nevertheless made. In this press release the State Department said, with reference to the trade-agreement program:

"Its purpose is to enlarge world trade so that surplus products may find a profitable market and not be thrown back on their producers."

Later in the same release, and in order to make confusion complete, the State Department said:

"The purpose of the trade-agreement program is to help American agriculture and industry."

The New Deal theorists thought they could justify lower American tariffs in order to increase foreign sales in our markets so foreigners could buy from us. Experience shows that foreign producers accept the advantages of American markets by selling to us and then buy in cheaper markets elsewhere. The combined figures for January and February of this year show that our exports to Canada exceeded our imports by the negligible figure of \$319,000, and this does not count the imports of gold and silver. If these items are included, our imports exceeded our exports for the 2 months named by a figure in excess of \$100,000,000. The obvious ultimate result of the existing program is to destroy American trade everywhere and to debase American markets by floods of Asiatic and European goods. As a foreign policy the trade-bargaining scheme is without defense and without hope.

Referring particularly to the Canadian treaty, there was no necessity to make concessions in order to stimulate trade with that nation. Although it is true that there formerly existed a trade balance in our favor in amount between \$400,000,000 and \$500,000,000, in the years 1933 and subsequent years this trade balance became negligible. Including importations of gold and silver in 1933, the trade balance in our favor was approximately \$5,000,000, while in 1934 the trade balance in favor of Canada was \$16,000,000, and in 1935 the balance in favor of Canada was \$70,000,000. This situation cannot be cured by tariff concessions which increase Canadian imports of forest and agricultural products. The theorists in the State Department will some day awaken to the fact that in the Canadian treaty the Canadians made concessions on certain manufactured articles which they desired to import, whereas we made concessions in agricultural and forest products in which we already had a surplus. No spirit of levity and no happy buoyancy of mind can laugh away these devastating facts.

And now for the claim that the opponents of the New Deal offer no plan. This claim implies that the New Deal does have a plan. It would be more correct to say that it did have a plan, the important economic props of which were the N. R. A. and the A. A. A., and that when these two acts were overturned by the Supreme Court but little remained of the original plan, and the President, in his desperation, finally suggested that we might boondoggle ourselves out of the depression. He had previously likened himself to the quarterback directing the strategy of a football game. In the simile which he employed, a sustained plan is an impossibility, and the President, like the quarterback, withholds judgment in

the selection of his next play until he learns the result of the previous play. If we concede that the New Deal is formulated in accordance with a plan, we know it is not the plan upon which the President was elected. The wildest speculators in the Nation would not gamble upon the next move which is to be undertaken.

In all seriousness, how can the New Deal claim that its critics have no plan be asserted in advance of the Cleveland convention and before the Republican platform is made? Individual Republican leaders do, however, offer a plan. It is a plan of stability which will come automatically when the country is relieved of the domination of New Deal theorists and when America again embarks upon a definite and practical monetary policy. Stability will come when we acquire a balanced budget, without the continued threat of higher taxes and when we reach the end of insane and destructive "brain trust" innovations. It will come when there is a courageous and fair system of Federal taxation and when the "go ahead" signal is given to American industries.

The Republican plan is a plan of integrity. Its adoption will reintroduce a complete sincerity in the administration of the Federal Government. It means there will be no politics in administering relief and relief work. It means there will be no ruthless cancellation of air-mail contracts, no repudiation of governmental obligations, no abrogation of the gold clause, no defiance of constitutional limitation. A stability and integrity in government will provide restoration of confidence, not as a benefit for the few but for the good of the many. It will result in reemployment of idle labor in industry as a substitute for made jobs at the taxpayers' expense. It will bring expansion in industry and in business, and a great program of replacement and improvement by the railways, the utilities, and the industries of the Nation. It will revive the industries producing durable goods. In short, it will give full play to the natural forces. This plan is not an experiment; it is the traditional American way; it is the proved plan under which our country has led the world and which has made our Nation the greatest of the earth. No President sworn to defend the Constitution of the United States has a moral right to propose any other until the American people determine that the plan of individualistic enterprise will not work. In the past it has attained fullest success; in the future we have a right to believe that under it the Nation will go forward to new triumphs and that American citizens will again become prosperous, contented, and free.

RECESS

Mr. ROBINSON. I move that the Senate take a recess until 11:30 o'clock a. m. tomorrow.

The motion was agreed to; and (at 6 o'clock p. m.) the Senate took a recess, the recess being under the order previously entered, until tomorrow, Thursday, April 9, 1936, at 11:30 o'clock a. m.

HOUSE OF REPRESENTATIVES

WEDNESDAY, APRIL 8, 1936

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

The Lord God omnipotent reigneth; let the earth rejoice, let the multitude of isles be glad; judgment is the habitation of His throne. Almighty One, before whose face the generations rise and pass, prepare us in Thine own way for the duties before us. There is something in life so sacred that Thou wilt never fail us. Give us understanding of the things out of which are the issues of life. Assure us, Heavenly Father, that amid the maddening maze of things Thy goodness and mercy are sure and steadfast. Help us to heed the passion of Thy heart, which is a summons to bring our lives in unison with Thy holy will. In humility of soul we are grateful for Him who is now reaching the end of His sinless life and traveling toward the cross of His crucifixion for the redemption of the wide world. In His name. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Horne, its enrolling clerk, announced that the Senate had passed without amendment a bill and joint resolution of the House of the following titles:

H. R. 11849. An act to amend an act entitled "An act to create a Library of Congress Trust Fund Board, and for other purposes", approved March 3, 1925; and

H. J. Res. 526. Joint resolution to authorize the Librarian of Congress to accept the property devised and bequeathed

to the United States of America by the last will and testament of Joseph Pennell, deceased.

The message also announced that the Senate agrees to the amendments of the House to bills of the Senate of the following titles:

S. 754. An act to amend section 21 of the act approved June 5, 1920, entitled "An act to provide for the promotion and maintenance of the American merchant marine, to repeal certain emergency legislation, and provide for the disposition, regulation, and use of property acquired thereunder, and for other purposes", as applied to the Virgin Islands of the United States; and

S. 1152. An act relating to the carriage of goods by sea.

The message also announced that Mr. NEELY and Mr. NORRIS had been appointed conferees on the part of the Senate on the bill (H. R. 11663) to require reports of receipts and disbursements of certain contributions, to require the registration of persons engaged in attempting to influence legislation, to prescribe punishments for violation of this act, and for other purposes, vice Mr. ASHURST and Mr. BORAH, excused from service, and that Mr. HATCH and Mr. AUSTIN had been appointed as additional conferees.

THE PRICE-DISCRIMINATION BILL

Mr. CELLER. Mr. Speaker, I ask unanimous consent, under direction of the Judiciary Committee, to file minority views on the bill (H. R. 8442) known as the price-discrimination bill.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. STARNES. Mr. Speaker, I ask unanimous consent that on tomorrow, Thursday, immediately after the reading of the Journal and the disposition of business on the Speaker's desk, I may address the House for 35 minutes.

Mr. ZIONCHECK. Mr. Speaker, reserving the right to object, 35-minute speeches are uncalled for in this House at any time; that is too long. I have no objection to anyone talking, but on yesterday there was a request for 25 minutes, and the next one was trying to outdo him and asked for 55 minutes, and if this keeps on, we will have requests for an hour and a half.

Mr. STARNES. I will amend my request and ask for 30 minutes, Mr. Speaker.

Mr. SNELL. Mr. Speaker, reserving the right to object, I would like to ask the majority leader, before we grant this request, what the program will be between now and the time the gentleman intends to adjourn tomorrow night.

Mr. BANKHEAD. As the gentleman from New York knows, we still have as the unfinished business today the pending tobacco bill, which will probably take until 2:30 or 3 o'clock this afternoon. After that it is the expectation to call up a bill from the Committee on Interstate and Foreign Commerce, known as the rural electrification bill. It is quite probable that this bill will consume most of tomorrow. It had been my hope we might make arrangements, in view of the program, to adjourn over Good Friday and Saturday. This is what we have in mind at this time.

Mr. SNELL. I think it is entirely proper under the circumstances to adjourn over Friday and Saturday next and I wish we could get a definite statement from the majority leader that he will not call up tomorrow the Black committee bill.

Mr. BANKHEAD. I am not in position to make any hard and fast agreement about that now, because I do not know how long this other legislation will take.

Mr. SNELL. Perhaps it will facilitate the passage of the other legislation if the gentleman will at least intimate that he does not think the other legislation will be brought up.

Mr. BANKHEAD. I have already intimated as much as I am willing to now in stating that these two bills will take up today and tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Alabama [Mr. STARNES] to address the House for 30 minutes?

Mr. RICH. Mr. Speaker, reserving the right to object, so far as the majority leader is concerned I would like to ask him a question. We have passed most of the appropriation bills. They have been very large and they are coming back from the Senate very much increased in amount and I would like to ask the majority leader if he is going to permit these great increases to be added to the appropriation bills that have already been passed by the House?

Mr. BANKHEAD. In answer to that, I will say to the gentleman from Pennsylvania that the gentleman does me entirely too much honor. I am only one humble Member of the House of Representatives. I cannot control the judgment of the 434 other Members of the House. I sometimes wish I could control the judgment of the gentleman from Pennsylvania, but it seems hopeless. [Laughter.]

Mr. RICH. I may say to the gentleman that while he is a humble Member of the House, he ought to be the Member who is going to stand up here against these increases, because he has the authority given him by the House of Representatives to demand that they do not pass bills that cannot be met by the taxpayers of this country, and the gentleman knows that if he had the backbone to stand up here he could hold them down. I think the gentleman ought to say "I am not a humble Member and I have some backbone and I am going to assert myself."

Mr. BANKHEAD. Now that the gentleman has classed me as an invertebrate, I am very pleased that the osseous matter stops at my neck and does not run up into my head. [Laughter and applause.]

The SPEAKER. Is there objection to the request of the gentleman from Alabama to address the House for 30 minutes?

Mr. MAY. Mr. Speaker, reserving the right to object, I want to ask the gentleman from Alabama [Mr. BANKHEAD]—

Mr. BANKHEAD. I may say that the gentleman from Alabama [Mr. STARNES] has the floor.

Mr. MAY. I am not going to object to the request of the gentleman from Alabama, but for the purpose of getting an expression from the floor leader I would like to ask a question. In view of the fact that many Members of the House are going to be absent tomorrow and the next day, would it not be fair to allow the rural electrification bill particularly, and perhaps the lobby bill, to go over until Monday?

Mr. BANKHEAD. No; I cannot agree to that, I will say to the gentleman. I am sorry I cannot agree with the gentleman, but we expect to pass the rural electrification bill this week.

Mr. MAY. If we were without a quorum—

Mr. BANKHEAD. We have other matters of an urgent nature coming up, and I may say to the gentleman from Kentucky that, as far as we are able to do it, we want to finish up the program here in the House on the essential matters as soon as possible, and we cannot do it unless we work.

Mr. MAY. We are far ahead of the Senate.

Mr. BANKHEAD. But we are not far ahead of our own program.

Mr. MAY. We are far ahead of the Senate, and I think we ought to let up this week a little bit.

Mr. BANKHEAD. I am sorry I cannot agree with the gentleman's suggestion.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

Mr. ZIONCHECK. Mr. Speaker, I shall not object to 20 minutes.

The SPEAKER. Does the gentleman object to the pending request to address the House for 30 minutes?

Mr. ZIONCHECK. Yes, Mr. Speaker; I object to that request.

Mr. STARNES. Mr. Speaker, I will modify my request and ask that I may address the House for 20 minutes.

The SPEAKER. The gentleman from Alabama asks unanimous consent that on tomorrow, immediately after the reading of the Journal and the disposition of matters on the Speaker's table, he may be allowed to address the House for 20 minutes. Is there objection?

There was no objection.

The SPEAKER. Under a special order of the House, the gentleman from Illinois [Mr. DOBBINS] is recognized for 25 minutes.

Mr. DOBBINS. Mr. Speaker, there has recently come to my desk, in the course of the widespread propaganda campaign being conducted by the American Liberty League, a copy of a leaflet or circular headed "Our New Spoils System." It is a reprint of an article by Lawrence Sullivan, which appeared in the February 1936 issue of the Atlantic Monthly as condensed and printed in the Reader's Digest of March 1936.

Lawrence Sullivan, the author, describes himself as having been "for 10 years magazine and press-association correspondent in Washington." Because of the gross and evidently willful inaccuracies in this article, it seemed impossible that it could have been written by anyone having a responsible connection with news-gathering agencies. I therefore took occasion to inquire among some of my newspaper acquaintances as to Mr. Sullivan's background. Through that inquiry I found that he is peculiarly qualified to write an article upon the subject of hiring and firing. Few men can boast of having been hired and fired more often. After serving briefly and in turn a rather large number of newspaper employers, he is no longer a member of the press galleries of the Senate and House of Representatives.

Mr. Sullivan refers to a list of appointive places in the Federal establishment, which was compiled and issued as a Senate document in January of 1933. He states that in that document there were listed some 33,600 jobs which were soon to be "house cleaned"; and that these jobs were to be made available to State and precinct chairmen on March 4, 1933. He continued with the statement that almost overnight the Government departments were demoralized, even to the highest scientific and professional grades in the Bureau of Standards, the Weather Bureau, the Food and Drug Administration, and the Bureau of Chemistry and Soils. Then follows this assertion:

Everyone whose place was listed knew beyond peradventure precisely what his fate would be. Within 30 days the Plum Book had reduced Washington to a veritable patronage stampede; and by mid-February the routine departmental services had come to a standstill.

These statements of Mr. Sullivan which I have quoted, in the instances where they are not absolutely false, embrace as basely contrived a set of half truths as were ever published in any responsible magazine or republished by any mercenary propagandist such as the Liberty League. No uninformed reader of his article could reach any other conclusion but that after the advent of the present administration a complete and ruthless change was made here at Washington in the places occupied by scientific experts in the various bureaus named by Sullivan. When he says that State and precinct chairmen knew these jobs would be available as political spoils—that statement, written 3 years afterward, is equivalent to saying that the jobs were, in fact, treated as spoils. When he says that everyone whose place was listed knew what his fate would be, he unquestionably intended his readers to believe that wholesale changes were made in the places listed in that document—and he certainly knows both inferences are utterly false.

It happens that the individual Member of Congress who is now addressing his colleagues on this subject has had considerable experience with and in the classified service of the United States Government. That experience, and the interested observation of the working of the Federal civil-service laws that followed it, have covered a period of more than 35 years. In consequence, I was convinced that Mr. Sullivan's statements were grossly deceptive. Because of that conviction, I went to the trouble of checking the documents referred to by Mr. Sullivan with the records of the four bureaus named by him, covering all of their positions in the District of Columbia, and I want to detail for your information the astonishing refutation of Sullivan's assertions developed by my investigation.

The so-called "plum book"—being Senate Documents 173 and 176, of the Seventy-second Congress—set out a com-

plete list of all Federal positions not under civil-service rules and regulations, as of January 1933. In the Weather Bureau there are just two places listed. The first of these is Chief of the Bureau, with a salary of \$8,000. When the list was prepared it was occupied by Dr. Charles F. Marvin, who was automatically retired on account of age in 1934 after 50 years of faithful and distinguished public service. To his place President Roosevelt promoted Willis R. Gregg, who was principal meteorologist of the Bureau, in charge of its aerological division, and had been in the service of the Weather Bureau continuously for 32 years—entering it under a Republican administration and continuing through the intervening administrations of both parties.

Only one other non-civil-service position in the Weather Bureau at Washington was embraced in this list of alleged partisan plums. That was the place of associate meteorologist and was a specially designated position which had been held for some years by Prof. Sterling P. Ferguson. He left it voluntarily in 1933 to return to his former post with the Blue Hill Observatory at Harvard University. The position terminated with his resignation and no one has been or will be appointed in his place.

In the Food and Drug Administration at Washington just one place was listed. That was the position of principal chemist, a \$6,000 position, which was then held and is still held by Dr. W. S. Frisbie.

In the Bureau of Chemistry and Soils, the book about which Mr. Sullivan pretended to be so excited, listed three places to which he says "spoils" appointments were to be made without reference to civil-service laws. These were the positions of Assistant Chief, at \$7,000; senior chemist, at \$4,800; and associate chemist, at \$3,300. Two of the men who were in these positions then still hold them. The other, Dr. Charles A. Brown, who was Assistant Chief—was transferred in July 1935 at his own request to another position in the Bureau, and his place was filled by the promotion of William W. Skinner, who was Assistant Chief during the Hoover administration and had long been rendering skilled service in that Bureau.

In the Bureau of Standards this "plum book" lists the position of Director of the Bureau, which, according to Sullivan, was slated to be the patronage of some politician. It was formerly held by George K. Burgess. Upon his death the place was filled by the promotion of Dr. Lyman J. Briggs, the ranking assistant director, who had held that position for many years, and he is still the head of the Bureau.

Seven other positions in the Bureau of Standards were mentioned in the list referred to by Sullivan, and not one of the men in those places has been replaced by another during the present administration.

I believe that the publishers of the Reader's Digest, in reprinting a condensation of Sullivan's article from the Atlantic Monthly, had no knowledge of its utter unreliability. I am not so well persuaded of the innocence of the publishers or editor of the Atlantic Monthly. It has shown a sinister readiness to print articles of this kind.

An unusually perverted and unrepentant attitude was displayed by Editor Ellery Sedgwick, of the Atlantic Monthly, when Dr. Lyman J. Briggs, Director of the Bureau of Standards, brought to his attention gross inaccuracies in Sullivan's article.

Dr. Briggs, on January 30 of this year, wrote to the editor stating that, so far as his Bureau was concerned, Mr. Sullivan's article, which he had just read, contained a misstatement that should be corrected. He told the editor that to the best of his knowledge no member of the staff of his Bureau had any fear at the beginning of this administration, nor any occasion to fear, that he would be discharged in order that his place might be filled with a political appointment, and that not a single instance of that kind occurred. He pointed out, further, that when a much-needed increase in funds available to his Bureau was made at the last session of Congress, following reductions in his staff in the economy program, employees dropped for economy reasons were reemployed, and that all other appointments were made through the civil service—the selection in every instance being based

on ability and being wholly free from patronage; that appointments were even made from the civil-service lists for all positions, whether governed by the civil-service rules or not, and that the Secretary of Commerce heartily concurred in his action in this respect.

What did Editor Sedgwick do in response to this explicit refutation of Sullivan's absurd charge that the Bureau of Standards was demoralized at the beginning of this administration and that the positions in the highest scientific and professional grades were made available to State and precinct chairmen? Did he make the apology or retraction that would be expected of a fair-minded journalist with manly principles? He did not. He replied to Dr. Briggs with the admission that he had conferred with Mr. Sullivan and had learned that "spoils" appointments did not fill vacancies in the Bureau of Standards but offered the absurdly evasive defense that any economies realized by reductions in the Standards force were "immediately diverted to 'spoils' appointments in other agencies." That, however, is not what Sullivan or the *Atlantic Monthly* told its readers. If it had made this ridiculous general claim, first advanced in Sedgwick's letter, that would at once have been recognized as a partisan argument. The article set forth definite and specific charges, which have been found to be untrue in every investigated instance. Sedgwick's new position is that, though not guilty of the offenses specified in their indictment, we should be convicted of the commission of other unnamed offenses.

All through these remarks I have met these unconscionable prevaricators upon their own ground; and I shall do it now upon this last sweeping assertion of Ellery Sedgwick's, namely, that appointments in other agencies were "spoils" appointments.

I have good reasons to know that nothing could be farther from the truth. I live in and represent a district with a population of 300,000, principally agricultural, and in which compliance with the program of the Agricultural Adjustment Act was practically universal. In consequence there were employed in the eight counties of my district in the administration and enforcement of that act a force of several hundred people. Not within my own knowledge, nor so far as I have been able to determine by inquiry among the eight county chairmen of my district, did a single one of these persons receive his employment on a political basis. I have never known the names of one-tenth of their number, and not one is in any degree obligated to me for his position. Although that district gave to President Roosevelt and to me a majority of approximately 20,000 in 1932, I am firmly of the belief that more than half of those employees, probably three-fourths of them, were not of my party. I say this in no spirit of criticism of the manner in which the employees were selected. They were selected through the farm organizations on a merit basis, and, in my opinion, have justified the confidence in their ability that their employment implied. You can put in your eye every cent they contributed or were asked to contribute to our campaign funds.

Sullivan clearly implies in his article and in the mathematical calculations that he employs therein that the occupants of every one of the places listed in his so-called "plum book" were removed.

Notwithstanding its fantastic fallacy, the Liberty League's endless prevarication goes 'round and 'round.

After referring to the four scientific bureaus I have mentioned, the Sullivan article, reprinted and distributed by the Liberty League, makes this false statement:

In the case of the District of Columbia government the patronage raid was even more successful . . . the Washington city hall was house cleaned.

Now, the book referred to by Sullivan shows that Mr. Hoover permitted upward of 10,000 places in the government of the District of Columbia to remain outside of the civil service; and, of course, when the Democrats assumed control of the government they were at liberty to put new appointees in every one of these places. What happened? I have some acquaintance among the District employees, and all that I know have held their positions for many years. So I called the office of the secretary of the Board of District Commissioners, read Sullivan's statement to him, and told him my

impression was that it could not be possible that even as many as one-tenth of the District jobs had been relinquished by their former holders. His reply was: "Mr. DOBBINS, it is much less than that. You can absolutely say that at least 95 percent of the 10,000 District employees whose places were listed in that book have been retained and still hold their places under the present administration, and that not one employee has been displaced for political reasons. The small number of vacancies that have occurred since March 4, 1933, have resulted from the natural causes of death and superannuation and from a very few voluntary resignations."

For some 10 or 15 years there has been published annually a book known as the *Official Register of the United States*, containing a list of persons occupying administrative and supervisory positions in each executive and judicial department of the Government. In the four bureaus specifically named by Sullivan, there are listed some four or five hundred scientific positions, with the names of the persons holding those positions, and the annual salaries, which range from \$1,800 to \$9,000. If you will take the last volume of this *Official Register* that was published during the Hoover administration, and compare it with the last volume published during the present administration, you will find that in approximately 9 cases out of 10 the same persons are holding these scientific positions that were occupying them at the close of the Hoover administration; and if, as I have done, you will inquire of the holdover chief clerks in the various bureaus, you will learn that in each of the infrequent instances where changes occurred, the former occupant of the position has either died, voluntarily resigned, or been retired for age; and that his place, if filled at all, has been filled by deserved promotion, under the merit system, of a subordinate who was employed during a former administration, and has worked up through the ranks to the position he now holds.

At the beginning of the present administration, in keeping with a custom which is time-worn if not time-honored, the former Postmaster General, and each of his assistants, all of whom were politically appointed, resigned their offices. Mr. Farley was appointed Postmaster General, and brought to the office unexcelled qualities of energy and ability for the supervision of this vast business organization.

Of the four Assistant Postmasters General who now help with this stupendous task, three were advanced from other responsible positions in the Department or in the Postal Service—one of the three from the Inspection Service—and each of the deputies who aid those four assistants in managing the four great bureaus of the Department is a trained man selected from its splendid force of inspectors. This inspection force, as I have told you on a previous occasion, is the pride of our governmental service. They are as outstanding in our country as the Royal Northwest Mounted Police are in Canada.

Recently, when a new postmaster at Washington was selected, one of these men was chosen for that high honor. Again, only within the past few days, after a vacancy occurred through the death of the head of the Department's Rural Delivery Service, a rural carrier from the State of Illinois, who had been honored by his fellow carriers as their choice for the head of their organization, was selected to fill that place.

It is the evident purpose of Mr. Sullivan throughout the article in question—and unquestionably the purpose of the Liberty League in giving widespread circulation to Sullivan's false statements—to smear Postmaster General Farley and to make it appear that he was responsible for offenses which, as I have shown you, were never even committed. I want to say to you with all of the earnestness at my command that anyone who is really interested in promoting efficiency in government and recognition of merit in connection with it will do well to study and to emulate the record of our present Postmaster General and of the Post Office Department under his administration.

All of these men thus promoted from the ranks of the postal inspection service have had long and continuous careers in the Postal Service and received their promotions on the basis of merit, efficiency, and faithful service.

You may scan the record of every Postmaster General as far back as records go, and you will not find the equal of the present one in the matter of promotions based on merit, nor will you find any previous administration of that great Department approaching the record of the present one for efficiency. [Applause.]

No one will need to expend much effort to learn how baseless are all these studied assaults upon our great Postmaster General, or to discover what lies back of their reckless promulgation. He will find that our splendid leader in the White House is the real target of the attacks, and that the incentive in every instance is either rank partisanship or blind prejudice. Only that can account for the existence of such a weird and grossly misnamed organization as the American Liberty League. It matters little to men of the type composing that organization that, without exception, they are materially in a far better position than they were when they were whining for help in 1933. They manifest the same type of vicious ingratitude exhibited by the legendary serpent whose frozen body was thawed in the warmth of its benefactor's bosom.

We have helped them get rid of great economic burdens; but no helpful legislation nor any humanitarian administration can either improve their mentality or remove their prejudices.

I remember when a spokesman of the great common people said of Grover Cleveland, "We love him for the enemies he has made." [Applause.] In contrast, these spoiled plutocrats, viewing with despair the sincere affection of the common people for their humanitarian President, have become rabidly reckless in their frustrated purposes. Embittered and dismayed by the vanishing of undeserved special privilege, the autocrats and their satellites unceasingly chant their song of hate. They hate Roosevelt. They hate him for the friends he has made. [Applause.]

Mr. GREEN. Mr. Speaker, I ask unanimous consent to proceed for 2 minutes.

Mr. BACON. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore (Mr. RABAUT). Evidently there is no quorum present.

Mr. BANKHEAD. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 58]

Adair	Driver	Lambertson	Perkins
Allen	Duffey, Ohio	Lea, Calif.	Pettengill
Berlin	Dunn, Miss.	Lord	Ramspeck
Binderup	Eaton	Lucas	Rayburn
Bolton	Ellenbogen	McAndrews	Reece
Brennan	Fenerty	McGehee	Reed, Ill.
Brown, Mich.	Fernandez	McGroarty	Romjue
Buckbee	Fish	McKeough	Sanders, La.
Buckley, N. Y.	Fitzpatrick	McLaughlin	Schuetz
Bulwinkle	Gassaway	McMillan	Seger
Cannon, Wis.	Gingery	McReynolds	Sirovich
Carter	Gray, Pa.	McSwain	Smith, Va.
Cary	Gregory	Marcantonio	Steagall
Casey	Harlan	Mason	Sumners, Tex.
Citron	Hartley	Michener	Taylor, S. C.
Claiborne	Higgins, Conn.	Mitchell, Ill.	Thomas
Connery	Hill, Knute	Monaghan	Tinkham
Cooper, Ohio	Hobbs	Montague	Underwood
Crosby	Hoeppel	Montet	Utterback
Culkin	Jenckes, Ind.	Moritz	Wearin
Darden	Kee	Nichols	Wigglesworth
Dear	Keller	O'Brien	Wood
Ditter	Kocalkowski	Oliver	
Doutrich	Kvale	Patton	

The SPEAKER. Three hundred and thirty-five Members have answered to their names, a quorum.

Mr. BANKHEAD. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

P. W. A. OPERATIONS

Mr. GREEN. Mr. Speaker, I ask unanimous consent to proceed for 2 minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. GREEN. Mr. Speaker and my colleagues, I have just introduced House Joint Resolution 564, which provides for an appropriation of \$700,000,000 to continue P. W. A. projects throughout the country. This administration now has a large number of approved applications but have not the required funds to allocate for same. It is estimated that about \$700,000,000 can be economically and wisely used by this organization during the next 12 to 15 months. This amount, it is believed, will take care of the projects which have been approved by the State Public Works Administration engineer, the State P. W. A. administrator, and the Washington P. W. A. officials.

These projects have been selected by the local communities, have passed examination as to their economical and financial soundness and engineering feasibility and the general desirability of such projects. They are for schoolhouses, courthouses, street improvements, sewer improvements, and various other local enterprises which are needed and favored by the local communities throughout the country.

The expectation of course is that the usual requirements heretofore existing will apply in this \$700,000,000 appropriation. The Federal Government will contribute 45 percent toward the general cost and the local community the other 55 percent. This 55 percent will be a loan by the Federal Government, but, of course, such loan will be based upon adequate security as has been the practice heretofore. The fact is that the P. W. A. has lost no money in the handling of securities put up by the various local communities on projects heretofore allowed.

One of the most beneficial agencies of the Government during the past 3 years has been the P. W. A. It has relieved unemployment throughout the country and has left the American people permanent improvements of general benefit to practically every community in the country. More than half of the funds heretofore expended by the P. W. A. have been spent for the purchase of material. However, about 70 percent of the cost of these materials has gone directly into the hands of labor. Both skilled and unskilled labor have received their portion of these funds and the country has in turn realized the relief thus given to the unemployed.

Mills, factories—in fact, all manufacturing concerns—have shared in the benefits of the general P. W. A. program. This activity is disseminated in every community throughout the country, and thus has relieved the unemployment burden in all sections of the country. There is no doubt as to the wisdom of appropriations for this purpose, and I am very hopeful that my colleagues will join in an effort to bring about an appropriation before our adjournment which will at least take care of the projects throughout the country which have been approved and are now in the hands of the P. W. A. awaiting the allocation of funds. My own State has a large number of such projects, and I know that every State in the Union has a great number of approved projects which are awaiting further appropriations. In fact, in many instances the local requirement has already been met in every respect, in many instances by direct vote of the people in bonding themselves to raise the local 55-percent contribution.

Time will not permit further discussion of the subject, but I urge your favorable consideration of the matter.

The SPEAKER. The time of the gentleman from Florida has expired.

TOBACCO COMPACTS BETWEEN THE STATES

Mr. COOLEY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 12037) relating to compacts and agreements among States in which tobacco is produced, providing for the control of production of, or commerce in, tobacco in such States, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12037, with Mr. MITCHELL of Tennessee in the chair.

The Clerk read the title of the bill.

Mr. COOLEY. Mr. Chairman, I yield 7 minutes to the gentleman from North Carolina [Mr. KERR].

Mr. KERR. Mr. Chairman, when the United States Supreme Court declared some portions of the A. A. A. Act unconstitutional, the outstanding reason for this adverse decision was that the Federal Government had undertaken through that act to control the production of certain commodities, and in the opinion rendered in the case the Court said that it was not within the province of the Federal Government to regulate crop production, but that that could be done through police regulations within the States themselves. The proponents of this compact bill have given good reason why all tobacco areas are interested in securing the consent of the Federal Government to carry out a compact among the tobacco States through which they can control or regulate the production of different types of tobacco. This House can well understand why the tobacco area is interested in this measure. The price figures for the last 3 years which the farmers have received for their tobacco will convince anyone that a measure of this kind is imperative for the welfare of those 400,000 farmers of the Nation who are engaged in the cultivation of tobacco. The crop of 1932—and I refer to the flue-cured area—brought the farmers \$42,000,000. That is conceded by all who know something about this industry to be a starvation price for this great commodity. Under the rules and regulations of the A. A. A. Act, whereby a parity price was fixed between the producer and the industry, the growers were able to get for the tobacco the next year, 1933, for practically the same amount of tobacco, \$112,000,000, an increase of 300 percent in the value of the product. Then this Congress, through a regulatory and enabling act, known as the Kerr-Smith Act, which had for its purpose protection of the contracting grower under the A. A. A. Act, succeeded in cutting down the crop of tobacco for the year 1934 to 557,000,000 pounds, about 200,000,000 pounds less than the crop of 1933, and this 1934 crop brought the farmers of the flue-cured area \$160,000,000. We produced in 1935 more than 100,000,000 pounds of tobacco above the industry's need, and produced a crop in excess of 800,000,000 pounds of tobacco, for which we received the price of \$162,000,000.

Not only has the tobacco industry been a great revenue producer for this country but our tobacco manufactured in foreign countries has produced an immense revenue for those nations who engage in this industry. The British Empire levies a tax of \$2.39 on every pound of tobacco imported from the United States into the British Empire, and before a hogshead of American tobacco is allowed to be carried to a cigarette factory in England the Government of that country collects \$1,900 out of the manufacturer. This hogshead of tobacco brought the producer in the United States not over \$200. All foreign nations, except those who are engaged in the manufacture of tobacco themselves, collect a large import duty from American tobacco.

I would not be wrong if I say that the farmers of the flue-cured tobacco area, under the regulation and laws provided by the Government through the A. A. A. and Kerr-Smith Acts, which we intend to extend under this compact bill, through State regulations, have received in the last 3 years more than \$300,000,000 profit in the tobacco area referred to as the flue-cured area. Not only has it been illustrated to you here by the proponents of this bill what the tobacco industry is worth to this Government, but it may be interesting for me to tell you that in the last 5 years the export value of tobacco, which has consisted of more than 300,000,000 pounds of tobacco annually, has cast the weight in favor of the business of this Nation. But for the fact that this Nation has sent out of this country more than 300,000,000 pounds of tobacco annually in the last 5 years, the imports into the country would have exceeded in value our exports; the balance in trade has been kept in our favor.

Now for a few moments let me address myself to the legal side of this question, because I know that is the perplexing question which comes into the minds of my colleagues. It is not necessary for me to state that a compact of States can be consented to or authorized by a Federal resolution.

This is essential. It cannot be done otherwise. This resolution can be passed even before the States enter into the compact, or after the States enter into the compact. There has been some controversy about that, but I cite the case of Virginia against Tennessee, which was decided in One Hundred and Forty-eighth United States Reports, page 221, where the Court said—I will just read a paragraph from the opinion,

The Constitution does not state when the Congress shall consent to compacts, whether it shall precede or follow a compact made, or whether it shall be expressed or implied, in many cases the consent will precede the compact or agreement. But where the agreement relates to a matter which could not well be considered until its nature is fully developed, it is not perceived why its consent may not be given subsequently.

Then as to whether or not we are trespassing upon the law in creating a compact to control production in this industry, let me read to you from an opinion by Chief Justice Fuller rendered 36 years ago, when the Court had under consideration the Wilson Act. He said this, and this has never been overruled, so far as I can find, and I have searched diligently. He said:

The power of the State to impose restraints and burdens upon persons and property in conservation and promotion of the public health, good order, and prosperity, is a power originally and always belonging to the States, not surrendered by them to the General Government nor directly restrained by the Constitution of the United States, and essentially exclusive.

I wish to call your attention especially to this opinion, the paragraph which I have just read; it was a statement made in the discussion of the great case *In Re Rahrer* (140 U. S. 554). It held that the State could "impose restraints and burdens upon any person or property in the conservation and promotion of its prosperity." This is the clear purpose of the compact bill proposed in this resolution under consideration. Without some way of controlling the production of tobacco in this Nation, those who produce this commodity cannot hope to be prosperous. Overproduction is ruinous, and unless we in some way remove the hazard of overproduction which hangs over those farmers who apparently cannot, without Government or State aid, curtail their production, this great industry cannot prosper.

I desire to present to you upon the authority of States to enter into agreements or compacts by consent of the Federal Government excerpts from the following opinions of the United States Supreme Court:

That States may enter into agreements and compacts is "a doctrine universally recognized in the law and practice of nations. It is a right equally belonging to the States of the Union, unless it has been surrendered under the Constitution of the United States. So far from there being any pretense of such a general surrender of the right, that it is expressly recognized by the Constitution and guarded in its exercise by a single limitation, requiring the consent of Congress. The Constitution declares 'no State shall, without the consent of Congress, enter into any agreement or compact with another State', thus plainly admitting that with such consent, it might be done; and in the present instance, that consent has been given. The compact, then, has full validity, and the terms and conditions of it must be equally obligatory upon the citizens of both States" (*Poole v. Fleeger*, 11 Pet. 209).

"If Congress consented, then the States were in this respect restored to their original inherent sovereignty, such consent, being the sole limitation imposed by the Constitution, when given, left the States as they were before, as held by the Court in *Poole v. Fleeger*, 11 Pet. 209" (*Rhode Island v. Massachusetts*, 12 Pet. at p. 724).

"The terms 'agreement' or 'compact' taken by themselves are sufficiently comprehensive to embrace all forms of stipulations, written or verbal, and relating to all kinds of subjects; to those to which the United States can have no possible objection or have any interest in interfering with, as well as to those which may tend to increase and build up the political influence of the contracting States, so as to encroach upon or impair the supremacy of the United States or to interfere with their rightful management of particular subjects placed under their entire control" (*State of Virginia v. State of Tennessee*, 148 U. S., at p. 518).

This Congress has authorized more than 20 State compacts; many of these compacts were authorized before the State laws were passed and many of them confirmed after the passage of State laws. This resolution is in no sense new legislation. There has been more than 20 cases before the United States Supreme Court arising under these com-

pacts of States, and the Supreme Court of the United States has uniformly held that such agreements and compacts can be made by any two or more States in respect to those powers which have never been delegated to the Federal Government and which involve State sovereignty.

Buckner v. Finley (2 Pet. 591); *Mahon v. Justice* (127 U. S. 705); *Holmes v. Jennison* (14 Pet. 571); *Florida v. Georgia* (17 How. 478); *U. S. Bank v. Daniel* (12 Pet. 54); *U. S. v. Rauscher* (119 U. S. 412); *Virginia v. Tennessee* (148 U. S. 520); *Union R. Co. v. East Tennessee R. Co.* (14 Ga. 327); *Virginia v. West Virginia* (11 Wall. 60); *Wilson v. Mason* (1 Cranch 45); *Pennsylvania v. Wheeling, etc., Brdg. Co.* (18 How. 421); *New Hampshire v. Louisiana* (108 U. S. 76); *Missouri v. Iowa* (7 How. 667); *Rhode Island v. Massachusetts* (12 Pet. 657); *Wharton v. Wise* (163 U. S. 167); *Barron v. Baltimore* (7 Pet. 249); *Louisiana v. Texas* (176 U. S. 17); *Olin v. Kitzmiller* (259 U. S. 260); *North Carolina v. Tennessee* (235 U. S. 1); *Poole v. Fleeger* (11 Pet. 185); *Monongahela Nav. Co. v. U. S.* (148 U. S. 312); *Marine R. Co. v. U. S.* (257 U. S. 47).

Joint resolution granting consent of Congress to the States of New York, New Jersey, and Connecticut to enter into a compact for the creation of an interstate sanitation district, approved August 27, 1935.

Joint resolution consenting to an interstate oil compact to conserve oil and gas in the States of Texas, California, New Mexico, and recommended for ratification by Representatives from the States of Arkansas, Colorado, Illinois, Kansas, Michigan, and since ratified by the States of New Mexico, Kansas, Oklahoma, Colorado, Illinois, and Texas, approved August 27, 1935.

Joint resolution authorizing the States of New York and Vermont to enter into an agreement relative to the creation of Lake Champlain Bridge Commission, approved August 23, 1935.

Compact between Pennsylvania and New Jersey authorizing the creation of the Delaware River Joint Toll Bridge Commission.

Joint resolution giving consent of Congress to States of North Dakota, South Dakota, Minnesota, Wisconsin, Iowa, and Nebraska to agree upon the jurisdiction to be exercised by said States for the boundary waters between two or more of said States, approved March 4, 1921.

Consent of Congress given any two or more States to enter into agreements or compacts for the cooperative effort and mutual assistance in the prevention of crime and for other purposes, approved June 6, 1934.

An act consenting to States of Minnesota, North Dakota, and South Dakota to enter into compacts for the improvement of navigation and for the prevention of floods, approved August 8, 1917.

An act to enable any State to cooperate with any other State for the purpose of watersheds of navigable streams, approved March 1, 1911.

Compact of the States of New York and New Jersey by which the port facilities of New York Harbor are governed.

Compact between the States of Washington and Oregon for the purpose of establishing the fishing rights with reference to the Columbia River.

Compact relative to water rights of the Colorado River as a result of the erection of Boulder Dam, involving seven States.

Compact authorizing New England, New York, and Pennsylvania to agree upon the establishment of wages, hours, and working conditions of laborers.

It will be of historical interest to know that the first State compact ever proposed on this continent was between the Colonies of Virginia, Maryland, and (Albemarle) which was evidently then a part of North Carolina. This compact passed in 1866 and had for its purpose the regulation of the production of tobacco in the Colonies.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. ANDRESEN. Mr. Chairman, I ask unanimous consent that the gentleman may have 5 additional minutes, which shall not be taken out of the time provided under the rule.

The CHAIRMAN. The Chair will state that the time cannot be changed by the Committee of the Whole. The time is fixed under the rule.

Mr. COOLEY. Mr. Chairman, I yield 7 minutes to the gentleman from Kentucky [Mr. CHAPMAN].

Mr. CHAPMAN. Mr. Chairman, the tobacco growers of this country are facing another serious crisis. This is nothing new to tobacco growers. I recall that I saw the great burley crop of 1919 sell for a season average of \$32.36 per hundred pounds. The following year the price dropped to \$13.37, with all the consequent disaster, bankruptcy, poverty, suffering, and despair throughout tobacco-growing sections. After a measure of prosperity returned, growers enjoyed for a few years a living price for their principal money crop. Then we saw the entire 1931 crop of burley drop to \$8.63. Again we were face to face with a serious situation that brought back unhappy memories of conditions that had prevailed in other years when the tobacco crop had sold for much less than the cost of production. Then the Agricultural Adjustment Act and the Kerr Tobacco Act brought hope of better conditions and that hope became a reality to growers when they found as a result of these measures that they were able to pay debts and provide some of the comforts of life for themselves and their families. A better price for burley tobacco during those 3 years brought improved living conditions and benefited every business and every person in the tobacco sections. The entire 1935 crop sold for an average of \$19.05. The Supreme Court held the Agricultural Adjustment Act invalid, in consequence of which there are indications of a large increase in the next burley crop. Now we are face to face with another situation similar to those with which we have been confronted so many times in the past.

When that Court decision was rendered, producers of many other important farm commodities also faced a serious crisis. It is hoped and expected that the Soil Conservation Act will in a large measure solve the problem of those commodities. We joined with you in passing the Soil Conservation Act. Our tobacco pays into the Federal Treasury the half billion dollars appropriated to finance the entire program inaugurated by the Soil Conservation Act for the benefit of all your farm products. We hope it will solve your problem. It will not solve our problem. Now we come to you and ask you to give us nothing. We do not ask you to confer, or attempt to confer, any power on any State, but simply to grant the consent of the Congress that our tobacco States, if they wish, may form compacts, under the Constitution, to attempt to solve their own problem in the exercise of their own inherent power as sovereign States. We think our request is fair. The question is, Will you withhold from us that consent?

PRODUCTION CONTROL ONLY PROTECTION

Mr. Chairman, we have tried many methods of handling the tobacco question. We have had cut-outs; we have had pools. Experience has taught us that the only way by which the price of tobacco can be protected is by production control. We have learned that lesson. We know that if we raise too much tobacco we cannot avoid the inevitable results of the immutable law of supply and demand. Our highest Court has decreed that the Federal Government cannot control production but that if it can be controlled the power to control it lies only in the State governments. In action by the States lies our only hope. We believe that the States in the exercise of the police power inherent in the sovereignty of the States can control production. But one State acting alone cannot make control effective. The control must exist throughout the territory producing the vastly major portion of the type of tobacco in question. To make it effective the States producing that type of tobacco must cooperate. The States could act separately, but we are convinced that to make the plan truly effective and beneficial it is necessary to maintain crop control through State compacts. We come, therefore, and ask the consent of Congress that our States may enter into such a compact, with full confidence of its constitutionality in view of a long line of decisions by the Supreme Court.

NO COMPULSION

There is no compulsion in this bill. There is no attempt to force this plan on the States, nor to dictate that they shall adopt this plan. The bill merely authorizes such a compact and offers them the opportunity if they wish to avail themselves of the plan to protect the price of their principal money crop.

PROSPECTS OF BURLEY COMPACT

The flue-cured compact is a foregone conclusion. As to burley I do not know, but I do know that a serious effort is being made by serious-minded, forward-looking, experienced, well-informed tobacco growers in the burley section of Kentucky to have a burley compact adopted in time to handle the 1936 crop. Today at Lexington, Ky., the largest loose-leaf tobacco market in the world, in the district which I have the honor to represent, representatives selected by growers of 26 burley counties are in session making plans for a State-control act similar to the Virginia act and for a burley compact. They have been in session frequently during the past 2 weeks and have communicated with me several times. Some of them have told me that the Governor of Kentucky has already indicated his willingness to include the consideration of a State-control act, essentially the same as the Virginia act, in a call which he proposes soon to make for a special session of the general assembly. If such an act is passed, and our sister State of Tennessee will take similar action, then we will have a burley compact for this year's crop embracing Kentucky, Tennessee, Virginia, and North Carolina.

SHOULD INCLUDE ADDITIONAL STATES

Members of the Burley Growers' Committee, now meeting at Lexington, have advised me also that they contemplate that the Kentucky Act will provide for the inclusion, insofar as crops in subsequent years to 1936 are concerned, of the potential burley-producing States of West Virginia, Ohio, Indiana, and Missouri. I understand that an amendment will be offered to this bill today, and I hope it will be adopted, whereby, if those States join in the compact for 1937 by enacting substantially the Tobacco Control Act, it will be unnecessary for them to come back to Congress for ratification. The situation is this, that if Kentucky and Tennessee enact the control law this year, a compact will exist between Kentucky, Tennessee, Virginia, and North Carolina to control the burley crop for 1936. A compact in 1937, embracing Kentucky, Tennessee, North Carolina, Virginia, West Virginia, Ohio, Indiana, and Missouri, will include practically all of the burley-producing and known potentially burley-producing territory. Those eight States were included in the original burley compact authorization bill which I introduced in the House February 6, 1936.

Mr. Chairman, contrary to the wishes and judgment of a number of well-informed Members of this House, the Committee on Agriculture eliminated from this bill what were believed to be the only legitimately controversial questions, those involving the question of interstate commerce. Confident of the constitutionality of the compact plan, relying on a number of decisions of our highest Court for that conviction, we were surprised that the gentlemen of the minority undertook apparently to make political capital out of the present plight of American tobacco growers. May we express the hope that our friends across the aisle will withdraw their opposition to this effort which we are making in behalf of 400,000 American tobacco growers, patriotic citizens whose sole purpose is the opportunity, in an orderly, constitutional manner, to protect the price of their major product, the price of which is the measure of their purchasing power and the foundation of their prosperity?

Mr. KINZER. Mr. Chairman, I yield 10 minutes to the gentleman from Missouri [Mr. SHORT].

Mr. SHORT. Mr. Chairman, at 9 o'clock on the evening of January 3 last, the President of the United States in an address not so much on the state of the Union as on the state of the New Deal, and delivered not so much to the Members of Congress as to the boys out at the forks of the creeks and the crossroads, very grimly and determinedly informed us that this administration would not retreat but

would advance. Just a month after uttering those words the administration did retreat, and he sent a special message to this House asking the Members of Congress to repeal three acts—the Cotton, Potato, and Tobacco Control Acts—which this administration had previously urged the very same Members to enact into law.

Notwithstanding the fact the N. R. A. was declared unconstitutional, a skeleton N. R. A. was set up and for many months thousands of employees of the old bureau remained on the public pay rolls. After the A. A. A. was declared unconstitutional by the Supreme Court thousands of employees in this alphabetical agency remained and still remain on the pay roll. A short while ago the Members of this House voted for the camouflage Soil Conservation Act, which in reality is a crop-control act, which was nothing more than a stubborn refusal to admit the failure of the old A. A. A. and an attempt to circumvent the decision of the Supreme Court; and today this spurious, specious legislation is brought in, which is a subtle mixture of subterfuge and sophistry. It is nothing more than another one of the numerous, deliberate, and insidious attempts, if you please, silly and idiotic in my opinion, to repeal the laws of nature and to substitute the edicts of man. I trust the time will arrive eventually when the Members of this House will realize that artificial legislation such as this is just as futile and foolish as would be legislation to repeal the law of gravitation or to prohibit a tornado such as the one which unfortunately but unavoidably recently visited the Southland.

Mr. Chairman, if this bill is enacted into law a dangerous precedent will become established whereby a few States can control any particular commodity they produce, whether it be tobacco, fruit, sugar beets, or some other product of the farm. Any form of compact or agreement which, in my humble but honest opinion, amounts to collusion that would tend to foster and encourage monopoly would be a violation of the antitrust laws and would penalize the many to take care of the few.

Mr. COOLEY. Mr. Chairman, will the gentleman yield?

Mr. SHORT. My time is limited, but I yield briefly.

Mr. COOLEY. Does the gentleman appreciate the fact that the congressional consent sought by this act can be withdrawn at any moment there is an attempt made by any State to abuse the power granted?

Mr. SHORT. That may be true; but you are splitting frog hairs when you draw a distinction between consent that is given by Congress and Federal control. Not only that, Mr. Chairman, but I want to point out the fact that this act goes even farther than the old A. A. A., because it makes compliance compulsory.

It is contemplated that each one of the State legislatures of the few interested States besides Virginia will enact a law similar to that drawn in the great Commonwealth of the Old Dominion State. I should like to read section 19 of the Virginia act that imposes a penalty on those individual growers or producers of tobacco who willfully violate the provisions of that law. It says in section 19:

Any person willfully selling or buying or reselling, redrying, or conditioning, or otherwise processing, tobacco of any kind harvested in any crop year for which a State quota and individual farm quotas have been established for such kind of tobacco, not covered by marketing certificates or resale certificates issued in accordance with the provisions of this act, and anyone willfully participating or aiding in the selling or buying or reselling, redrying, conditioning, or processing of any such tobacco, or any person offering for sale or selling any tobacco except in the name of the owner thereof, shall forfeit to the State a sum equal to three times the current market value of such tobacco.

Section 20 makes it a misdemeanor and subjects the violator to a fine of \$10 for the first offense and \$25 for each subsequent offense.

Mr. Chairman, in my opinion, this is nothing more nor less than a clever attempt to regiment the American farmer. A short time ago I pointed out on the floor of the House that when a boy I used to sprinkle corn along the lawn to entice chickens to a pen, only to wring their necks after I got them in it. Often I have gone into a field with an ear of corn in

my left hand in front of me and with a halter in my other hand behind me. With that sop and with that ear of corn I enticed the horse until I got the halter on him. After I got him in the harness and the collar rubbed his shoulder sore and the traces wore all the hair and hide off his sides he did not like so well this enticement or sop which I had handed out to him.

I want to say, Mr. Chairman, that the worst provisions of this bill are found in section 9, subsection (g), at the top of page 10, which states as follows:

The action of any officer, employee, or agent in determining the amount of and in making any payment authorized to be made under this section shall not be subject to review by any officer of the Government other than the Secretary of Agriculture.

In other words, the Comptroller General of the United States will have no authority or jurisdiction whatever to check the amounts of these benefit payments. I want to point out to the Members of the House that only last Sunday night the report of the Secretary of Agriculture, which had to be wormed out of him, informed us that one Florida sugar corporation under the old A. A. A. had received a total of \$1,067,665 in three checks. A Hawaiian sugar producer got a single check for \$470,313, and in all will receive \$1,022,047.87. A sugar grower in Puerto Rico was paid \$961,064.

Mr. Chairman, I am just wondering what huge and vast sums have been paid to the cotton, wheat, and corn-hog producers of this country. I am wondering how many benefits will be paid the tobacco growers of this Nation by these men who are attempting to resurrect a skeleton whose bones are rattling this day.

The conclusion of this bill, section 12, states that the Secretary shall prescribe such rules and regulations as he may deem necessary to carry out the provisions of this act.

[Here the gavel fell.]

Mr. KINZER. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. SHORT. Mr. Chairman, I have great sympathy for the tobacco growers. I know the huge sum of taxes paid by the tobacco industry of this country in the State of North Carolina, but, Mr. Chairman, this is bad and vicious legislation which turns over to Czar Wallace complete authority to regulate in his omnipotent, infallible, impeccable, and flawless wisdom the growing not only of tobacco but will establish a precedent that will lead to the control of the production of every crop in every section of this country, setting class against class and section against section. It is unsound, in my opinion, unconstitutional and un-American, and should be defeated. [Applause.]

[Here the gavel fell.]

Mr. COOLEY. Mr. Chairman, I yield 5 minutes to the gentleman from Virginia [Mr. FLANNAGAN].

Mr. FLANNAGAN. Mr. Chairman, the gentleman from Missouri seems to be greatly disturbed over an honest effort on the part of the Congress to improve the condition of the tobacco growers of this country. If the gentleman only knew anything about the conditions which prevailed in the tobacco districts of this country prior to the adoption of what is known as the A. A. A. I do not believe he would have made the speech that he just delivered.

Mr. Chairman, in 1932 all the tobacco growers in America only received \$107,000,000 for every stalk of tobacco raised in this country. That is not all. In the same year the four large tobacco companies in America made in net profit over \$110,000,000 and paid out in dividends to their stockholders in cash over \$79,000,000. The tobacco price level had fallen to around 7 cents per pound, and every tobacco grower in America was headed for the poorhouse. Now, the gentleman says that the A. A. A. came along and regimented the tobacco growers of America. Let me tell you what it did. It increased the price level of tobacco, in less than 2 years, from 7 cents to around 20 cents per pound. It increased the cash income of the tobacco growers around \$150,000,000. If increasing the cash income of the tobacco growers of America from \$107,000,000 in 1932 to around \$250,000,000 in 1934 is regimentation, then I want to say to the gentleman from Missouri that what the tobacco growers in America need to-

day more than anything else is a little more of the same kind of regimentation. [Applause.]

Mr. BANKHEAD. Mr. Chairman, will the gentleman from Virginia yield for a question?

Mr. FLANNAGAN. I yield.

Mr. BANKHEAD. What type of regimentation did the Hoover Farm Board give the farmers of America, including the tobacco growers?

Mr. FLANNAGAN. The Hoover Farm Board ruined my farmers, not only my tobacco farmers but my cattle raisers, my wheat growers, and my corn growers. We do not want any more "Hooverism" down in the Ninth District of Virginia. [Applause.]

Mr. LAMBETH. Mr. Chairman, will the gentleman yield for a question?

Mr. FLANNAGAN. I yield to the gentleman.

Mr. LAMBETH. The gentleman from Virginia is familiar with the peculiar system of marketing tobacco, and last year the gentleman was the author of a bill, which became law, providing better protection for the growers in the marketing of their tobacco. In addition to other reasons which have been advanced for the passage of this proposed legislation to make it possible for the States, through compacts, to control the production of certain types of tobacco, is it not true that tobacco is a peculiar commodity, in that there are relatively few buyers of tobacco, and therefore, if there is a large surplus of tobacco, the price goes down relatively more than it would in the case of cotton or wheat, where there are a large number of buyers of those commodities?

Mr. FLANNAGAN. The gentleman is correct.

[Here the gavel fell.]

Mr. KINZER. Mr. Chairman, I yield 10 minutes to the gentleman from Iowa [Mr. GILCHRIST].

Mr. GILCHRIST. Mr. Chairman, no doubt this bill will be passed before we adjourn this afternoon, it will then go over to the Senate, and what I have to say about it is spoken quite as much in consideration for the tobacco growers as in criticism of the bill. I have very serious doubts about it and I want to call these doubts to the attention of the country and of the gentlemen who are in control of the measure so that we may know more about the bill and of the legal principles involved and thereby determine whether it will accomplish what it is desired to accomplish.

I want to help the farmers who raise tobacco. I know that the little package of cigarettes that my friend from North Carolina exhibited to us the other day is taxed as high as 7 cents in many States, and that the tobacco growers are doing their duty in contributing revenues to the country. I know that their burdens are heavy and that their complaint is of long standing. It was many years ago that I read of the night riders down there who went around burning the warehouses and the barns in order to get rid of the surpluses of tobacco. The tobacco farmer is entitled to economic prosperity. He should have a fair price for his product and one that will enable him and his family to live in comfort and according to the standards of an enlightened twentieth century civilization. You have no moral right to enjoy the solace and comfort which his investment of capital and which his labor and which his product brings to you unless you are willing to pay him the cost of producing that product. But, Mr. Chairman, when he cries for help and for support he should not be compelled to rely upon a broken reed. And that is why I rise to direct the attention of the gentleman in charge of the measure to what I believe are its basic and fundamental defects, and that is why I hope for a legitimate way by which such defects may be remedied.

In the first place, compacts between States do not confer upon or delegate to the States any Federal power. This is agreed to by everybody. When this bill is passed any one State such as the State of Virginia, for example, will not have a single thing by way of Federal power that she does not now have.

The second proposition is equally evident and it was affirmed yesterday by our good friend, the gentleman from

Georgia [Mr. Cox] in support of the bill. The bill does not give to Virginia any State or local power that she does not now have. It does not amend or add to the powers already possessed by the States. It leaves the States exactly as it finds them so far as constitutional authority is concerned.

The Constitution provides that no State shall, without the consent of Congress, enter into any agreement or compact with another State. That is all it says about it. The Federal Government does not do anything except give its consent that the States can make a compact. This clause does not delegate to the States any congressional power whatsoever. It does not give the States themselves any firmer grip or hold upon the powers that are reserved to the States. In times past Congress has given its consent to the making of compacts between States, and about 60 of them have been entered into. I wish more information could have been given us in the committee hearings or in this debate concerning them, showing just what they related to. I have examined most of them and I do not find a single compact that attempts in the remotest way to regulate the property rights of our citizens—not one. About 25 of these are agreements which fix boundary lines between States. About six of these compacts relate to jurisdiction over lands ceded by one State to another. Nine compacts are concerned with the question of concurrent jurisdiction over common waters. Some agreements have been made whereby the States are to jointly perform some service such as to build a bridge or a tunnel or to create an interstate corporation to do some work of this character. Sixteen authorizations are water apportionment agreements. But there are none, and especially none that have received the sanction of any responsible court, which have to do with property rights of individual American citizens.

We may be certain that if there is any such compact then the able gentlemen who are in charge of the bill would have referred us to it. All of the interstate compacts so far made over a century and a half of our Nation's life have related to something else and different than the property rights of citizens. A great many of them relate to rights in public waters and navigable rivers. For example, compacts are found with respect to the allocation of water in a river that runs through and irrigates the land in two or more States. Manifestly there is no property right of an individual citizen involved in any of these. One of the last cases on this question came into the Supreme Court from Oregon, being the case of *Olin v. Kitzmiller* (259 U. S. 260). It had to do with regulating, protecting, and preserving fish in the waters of the Columbia River, which separates the State of Oregon from the State of Washington, and over which the two States have concurrent jurisdiction. The appellant wanted a fishing license. The State authorities denied him this privilege and the Supreme Court upheld their action. The Columbia River is a navigable stream. The fish in that river are not the property of any citizen. Fish and game belong to the king—in America the whole people are king—and not to any citizen. It is proverbial that "fish in the sea" belong to nobody. Manifestly there was no individual property right of any citizen invaded or denied by the compact between the two States which merely regulated fishing rights in the boundary river and protected and preserved aquatic life in that stream for the benefit of future generations. Nobody's property was taken away.

But the right to plant tobacco and to raise and cultivate it upon privately owned land and thereafter to own it and control it and sell it is a property right. This was freely admitted at page 44 of the hearings by the sponsors of the bill. When I enter upon my land to plant and cultivate and grow tobacco I am not entering upon any activity having to do with public health or public safety or public morals, and the police powers of the State are not involved in any way. And when I plant and grow tobacco there is not involved any question of the conservation and protection of some irreplaceable natural resource which is necessary to public welfare or public defense. So here again no State has the right under the police power to interfere with my business as a tobacco farmer. And no State, and no num-

ber of States, can take away my property by a mere legislative enactment without due process of law. But that is precisely what this bill sanctions and seeks to do.

The oil- and gas-producing States, as custodians of the police power, have more and more of a responsibility for protecting the Nation's limited oil reserves against waste. Under its police power the State may regulate the correlative rights of the common owners of an oil pool and may provide against waste even though the underground resources may be privately owned. This follows because of the peculiar nature of oil and gas. These minerals, differing from solids in place such as coal and iron, are fugacious in character and of uncertain movement within the limits of the pool. Every person may drill wells on his own land and take from pools below all the gas and oil that he may be able to reduce to possession, including that coming from land belonging to others, but the right to take and to acquire ownership is subject to the reasonable exercise of the police power of the State to prevent unnecessary loss, destruction, and waste. But there is nothing of this character involved in the growing of tobacco. There is nothing evanescent or volatile about tobacco plants, and they are not disposed to flee or fly or flow away from my neighbors' land onto my own land. The State has no right under any police power to hinder or abridge or regulate the enjoyment of my property right to produce and sell tobacco.

Now, with these propositions beyond doubt and practically admitted, I do not see how this bill can help the tobacco grower. It seems to me to be a futile and an innocuous bill, a work of supererogation. It grants nothing to the States. It takes away nothing from them. It is inept and without real substance. In its legal application it is the same as no bill at all.

For example, after this law is passed, Virginia cannot punish anyone for refusing to comply with the quota system proposed under the State regulatory features contemplated by the bill, because she cannot deprive a citizen of the things which he owns without due process of law. Especially is she without power to deprive a citizen of any property rights wherein the activities involved have no real and proper and substantial relation to the police power of the State. After this bill has become law and after the compacts have been entered into, any farmer may raise and sell and transport in intrastate commerce and in interstate commerce all of the tobacco that he desires to raise or sell or transport. My right to sell my goods in commerce is a property right which is attached to my ownership and is equally protected by the due-process clause of the Constitution.

After this bill has become a law and after the compacts are made, and after the States' statutes are passed, still no State can punish anyone for violating the compact in another State. Virginia cannot punish one for violating a law or a compact over in North Carolina, and this bill does not attempt to confer any such power upon Virginia. The statute of Virginia, even though passed under sanction of the compact, cannot have any extraterritorial force of the character involved here. You cannot punish a man out in one State for having committed a crime in another State. The bill does not and cannot confer upon any State any extraterritorial jurisdiction out beyond the limits of its own sovereignty.

But it is argued that the A. A. A. decision has to do with the questions involved in this legislation. It is true that that decision struck down as being unconstitutional many of the provisions in the law which established the A. A. A. It is true that the Court there said that that act was unconstitutional, insofar as it tried to regulate and control the production of crops. It is true that the right to regulate and control such production was held not to be a Federal function because control over production of crops had never been granted to the Federal Government. It is true that the Court intimated that control of production was a thing which was reserved to the States. But that case does not intimate, and no case holds, and no theory is valid under which it can be said, that a State has the right to take away property without due process of law.

It is agreed that the right to raise and sell tobacco is my property. If this be true, I wonder where we are going with this bill. I do not understand how it can help any tobacco grower.

Mr. BANKHEAD. Will the gentleman yield?

Mr. GILCHRIST. I yield to the gentleman from Alabama.

Mr. BANKHEAD. Does the gentleman mean to say that by implication the Supreme Court decision held that neither the Federal Government nor the States had a right to control an agricultural product?

Mr. GILCHRIST. No; the holding was that the Federal Government had no right to control agricultural production. The question of State control of production was not involved in that case. By way of argument they said that the Federal Government could not control production because it is a State function.

Mr. BANKHEAD. Then the gentleman does agree that the control of agricultural production is a State function?

Mr. GILCHRIST. I am willing to admit that it is a State function. But in exercising and administering that function the State will also be compelled to keep and comply with every limitation or regulation which the Constitution requires it to heed and observe whenever it proceeds to control or regulate anything. Certain things are denied by the Constitution to the States. For example, the State must not, in controlling or regulating production, take away property without due process of law. There was not a single intimation in the A. A. A. case that the State could do that. This bill will do that very thing. I do not see how anyone can contend that it will not. The fact that the State may do something does not give the State the right to violate the other express provisions of the Federal Constitution. Under the Federal Constitution the power to do certain things is given to the Congress, and under the Federal Constitution the power to do a vast number of other things is reserved to the States. But in either event the Congress or the States must observe the limitations and prohibitions that are set forth in that same Federal Constitution. While some powers are granted, there are other powers that are expressly denied, and these denials must always be observed by States and by legislatures and by Congress. The bill of rights and the several amendments contain many commandments whereby the States are told "thou shalt not." One of these commandments in positive and flaming language says: "Thou shalt not take property without due process of law." So much for the law of the case.

But if the day shall ever come when by a system of State compacts it becomes possible for two or more States to abrogate and annul the express provisions and limitations of the Federal Constitution; and if by a system of compacts between two or more States they could invade and annul the Bill of Rights; and if by a system of interstate agreements two or more States could strike down all of the safeguards which that instrument provides to protect the rights and privileges and immunities of our people and thereby strip them of the protection which that instrument gives to them, then that day will be a sad and calamitous one for American liberty.

And if the proposed system of compacts between States is approved by Congress and upheld by the courts, the possibility for harm will be infinite. There are 48 States. As a mathematical proposition I suppose that 10,000 combinations can be made with 48 units. No man can conjecture nor can the wildest imagination fathom the results of such combinations. And for this reason I regard the bill as unsound and ominous, even if it should be constitutional.

I will make another suggestion. Whenever governmental sanction and approval are given for the taking of agricultural lands out of certain kinds of production, then in fairness we have a duty toward other agricultural lands, and we should see to it that the lands which are subsidized or which are given special preference by Federal legislation should not be allowed to go into competition with lands which are not so favored. The present bill does not regulate this in any way and is therefore objectionable.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. COOLEY. Mr. Chairman, I yield such time as he may desire, to the gentleman from Virginia [Mr. DREWRY].

Mr. DREWRY. Mr. Chairman, this legislation is necessary because it will save from impending disaster the farmers of this country to the number of 400,000, who will produce by their crop of tobacco a revenue for this Government estimated in 1936 to be half a billion dollars. I am in favor of the legislation.

Mr. Chairman, this bill is an attempt to so regulate the production of tobacco that the producers will get a price for their product that will enable them to continue the growing of their market crop. In order to maintain such a price the amount that is offered for sale must not exceed the normal requirement or the price will fall to a point where the tobacco farmer will find that it does not pay him to produce tobacco. As a large proportion of farmers in Virginia, North Carolina, South Carolina, Georgia, Tennessee, and Kentucky, as well as farmers in Pennsylvania, Ohio, Wisconsin, and Connecticut, and a smaller proportion in a few other areas in this country are dependent upon the production of this crop for their living, the importance of legislation to protect them, if such be possible, is readily seen.

Not only is this legislation necessary for the benefit of the tobacco growers and the communities in which they live, but it is most important to the country as a whole, for practically one-eighth of the entire revenue of the United States comes from the tax on tobacco. If disaster comes upon the tobacco industry, then the Government may realize a loss in its revenue that will necessitate an increase of taxation in other directions. With the importance of the production of tobacco in mind, let us look into the situation that now confronts the tobacco farmer.

In 1929 tobacco growers received an average price of 18.4 cents per pound for their crop of tobacco, and the farm income from the crop totaled \$282,000,000. Then the farm tobacco income began to decline until it was only \$211,000,000 in 1930, \$130,000,000 in 1931, and \$107,000,000 in 1932. Thus in 3 years the farm income from tobacco declined approximately 58½ percent, which was greater than the decline in the income from all other farm products as a whole. The result is well known to all. Among the tobacco growers the distress was widespread and severe; farm property deteriorated, and the consequent losses to business in the tobacco growing area were heavy; taxes could not be collected, and the entire area suffered.

In the first year of the administration of the Agricultural Adjustment Act and the Kerr-Smith Act, in 1933, the size of the crop was not substantially affected by the production-adjustment program, as the crop of tobacco had generally been planted before the program became effective, and there was a production that exceeded consumption. The markets were temporarily closed, and the growers by a large majority agreed to limit their production. The reduction in production for the next year being assured, the leading domestic tobacco buyers were called in and they agreed to purchase the supplies needed by them at a price at or above specified minimum levels and in quantities sufficient to take care of the supply on hand. Thus there was an increase this year, so that the farm income of the tobacco growers jumped from \$107,000,000 in 1932 to \$178,000,000 in 1933. Under the reduction programs, production was reduced in 1934 and 1935, and the farm income increased to \$223,000,000 in 1934 and \$242,000,000 in 1935.

The effect was immediately seen in the tobacco-producing area. The farmers paid up their back taxes, settled their indebtedness, repaired their farm property, bought supplies which they had been forced to do without, and helped to bring the country back from the depression which had settled on them as a black cloud from which in the preceding years they had seen no escape. Most of all it gave them courage to carry on in the work with which they were most familiar, for they thought that at last a way had been found for them to receive a fair price for their tobacco—a price that would compensate them for their labor and provide some of the comforts of life for themselves and their families.

As the Supreme Court decided that production is a matter of regulation by the respective States instead of being a

matter of Federal control, it is proposed, as in this bill, to have the States in which tobacco is largely grown to enter into compacts or agreements with each other to control the production of tobacco by State regulation. Each State agrees to pass legislation that is uniform. This bill then grants the consent of Congress that the respective States shall enter into compacts or agreements with other States similarly interested, which compacts are to provide cooperation between the States signatory thereto by establishing production quotas for each State, and by formulation of such regulations as will assure the uniform and effective enforcement of the agreement.

The decision of the Supreme Court that the A. A. A. legislation providing for this reduction program was unconstitutional came as a shock just at the time when they had begun to see daylight after the darkness. Notwithstanding their disappointment, which was great, there was no great criticism of the decision. These farmers understood the form of Government under which they lived and had no desire to overturn it for a temporary advantage to themselves. They were in full accord with the principles of constitutional government and determined that they would find the remedy for their trouble within the Constitution and not without it. A great lesson had been taught them and they had profited by it. It had been clearly shown that the natural economic law of demand and supply regulated their business and that the remedy was in their hands if they would apply it.

Before the carrying out of the production-adjustment program the tobacco acreage planted each year was very closely related to prices for the previous crop of tobacco and prices received for other farm products during the previous year. The tobacco farmers in the eastern and southeastern States, in the years 1934 and 1935, found that it was more profitable for them to grow tobacco than almost any other crop. It therefore follows that, unless there is some program or method by which production can be restricted, the tobacco crop will be so large as to result in low prices to the growers. As said above, the growers have been taught their lesson, and it is almost the unanimous opinion of this class of farmers that production should be decreased, and there is hardly any dissent on the part of the growers to agree to restrict their production if they could be assured of some legislation that would cause all the growers to comply with the agreement not to increase their production of tobacco because of improved prices. The growers in any single locality cannot make such an agreement effective, nor could it be made effective by the growers in a county or State, if growers in other States are free to increase the size of their crops as soon as prices are improved. As the previous reduction program has been invalidated, other means must be used to regulate the acreage planted in tobacco. An effort is being made in the soil-conservation legislation to provide in part for this, but it is generally believed that this legislation alone will not be sufficient to keep the production of tobacco at a level in line with consumption requirements. So it seems that the problem is more or less a local problem applicable to the States in which tobacco is grown, and as one State alone cannot adequately control production to maintain permanent improvement, then the States affected must have an agreement among themselves to control the production within their respective borders, said control to be uniform, however, in its scope.

This bill is necessary to enable the States to enter into compacts because of the provision of the Constitution of the United States which permits States to enter into compacts or agreements with the consent of Congress. This bill, therefore, provides that all State acts authorizing such compacts shall be essentially uniform and in no way conflicting, and further provides that said State legislation of the respective States shall be in conformity with an act of the General Assembly of Virginia approved March 13, 1936, known as the Tobacco Control Act. The said compacts then become effective to the extent and in the manner provided for in said act of the General Assembly of Virginia upon the passage of this measure. A safeguard is thrown about this legislation, however, by a further proviso that at any time

the Congress of the United States of America may hereafter withdraw its consent to any compact or agreement entered into pursuant to this act.

The proposed State acts, which form the basis of the State compact method of regulating the production of tobacco, provide for the appointment of a State tobacco commission to carry out the provisions of the compact within each State, and give in detail the powers of said commission for establishing quotas and other matters connected with the marketing of said tobacco quotas upon the farms of said States, with other provisions covering the regulation of same.

In conclusion, it may be said that, while this legislation may be to some extent experimental, it is an attempt on the part of Congress to help a great industry in a constitutional way. While the constitutionality of this act may be questioned by some, it is the opinion of probably the majority of those who have studied the question that this legislation is within the constitutional requirements and offers a practicable method of assisting the tobacco farmers of the country.

Mr. COOLEY. Mr. Chairman, I yield 5 minutes to the gentleman from North Carolina [Mr. BARDEN].

Mr. BARDEN. Mr. Chairman, I live in a district where quite a bit of tobacco is grown, approximately sixty to sixty-five million pounds. I have just returned from a visit to the district and found that the tobacco farmers were very much disturbed over the present situation. They want this legislation. I do not feel that this legislation contains everything that is needed or that they desire or that I would have included in it, but it is apparently the best act that we can prepare at this time. I believe it will do an immense amount of good for the farmers.

Mr. ANDRESEN. Mr. Chairman, will the gentleman yield?

Mr. BARDEN. I am sorry; I cannot yield.

Mr. ANDRESEN. Will the Governor of North Carolina call a special session down there?

Mr. BARDEN. I prefer not to comment upon that. I expect he has enough trouble of his own. I know that I have here. I am not in position to make any statement here that would bind him. I do not see why we should at this time begin to presume against the bill if on its face it looks toward the relief of the farmer. I think some in this House apparently have developed what we might call a constitutional complex. Every time a bill is presented on the floor someone jumps up and begins to talk about the Constitution, whether the bill has any bearing on it or not. Yesterday I was very much surprised to hear them begin to discuss the various State constitutions. Apparently they seek now to drag in the 48 State constitutions and dissect them on this floor. I can see no reason why we should assume that the State of North Carolina, the Legislature of North Carolina, the Governor, the attorney general, and the people are not in position to look after the North Carolina constitution. I believe this legislation will open the way for a great deal of relief for the tobacco growers, who produce a commodity that certainly pays more than its share to the Federal Government.

I was interested and amused to hear the gentleman from Missouri [Mr. SHORT] relate the circumstances this afternoon about tolling the chickens into the coop with corn and then wringing their necks. I have heard the gentleman tell that two or three times. I am of opinion that the chickens, if he chooses to call the farmers that, were tolled into the coop in 1928, and this administration was able to get them out in 1932 before the Republican administration completed wringing their necks. I do not see where his argument has any bearing upon this bill. Nor can I see why he should be so disturbed over this bill's bearing on a commodity that is of very little interest to him from the standpoint of production in his section. It is not putting one State against another or one section against another. The Supreme Court has said that the Federal Government could not control production, and implied that the State governments could control it, and this is an effort to do what I believe the Supreme Court hinted we could and should do. There is no doubt in my opinion but that the very nature of the commodity itself makes it necessary for legislation that will protect the growers. There is no reason in saying

that the Federal Government should get five times as much from the crop as the man who produces it. There is no reason why the manufacturer should declare many times the amount in dividends that the grower of the commodity gets for producing it. We cannot get along that way. We have experienced some trouble with the potato situation, and the first thing we know we will have a practice growing up in that section which will tend to annihilate the tobacco industry just as we had in the potato industry.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. COOLEY. Mr. Chairman, I yield 5 minutes to the gentleman from North Carolina [Mr. HANCOCK].

Mr. HANCOCK of North Carolina. Mr. Chairman, ladies and gentlemen of the Committee, the bill now before us has been so clearly and effectively explained that there is little need of further comment. Coming, as I do, from the State which produces approximately 65 percent of the flue-cured tobacco grown in the United States, and having a personal knowledge of what a fair price for tobacco means to the general welfare of my people, I am heartily supporting the bill H. R. 12037, which gives the consent of Congress to the tobacco-producing States to enter into compacts for the purpose of regulating the production of tobacco. If the law of reason, sound economics, and common sense is applied to its administration, it should work wonders toward maintaining and stabilizing the purchasing power of the tobacco growers.

In North Carolina, prosperity and good times are largely dependent upon tobacco prices. If the different types of tobacco grown in the United States were confined to a single State, authorization of the character contained in the present bill would not be necessary. It would be foolish, however, for one State among several to encourage a reduction in tobacco production without the other States doing likewise. This bill merely authorizes the several States producing similar types of tobacco to do, under the authority granted them by their constitutions, what any one of them can do without such authorization. This bill does not, therefore, convey to any State any power which it does not now enjoy. It merely permits several of them to agree among themselves, by uniform legislation, upon a program of economic betterment and self-protection.

I recognize that no farm program can be permanently sound that does not encourage an increase in consumption. At the same time, we should recognize that agriculture is the basic industry of the world, and unless production is related to consumption there can be no well-balanced economy. But for special privileges and governmental protection afforded other industries, agriculture no doubt could hold its own in the world of business. It is foolish, however, to believe that the farmer can keep his feet upon high ground as long as the cards are stacked against him. His purchasing power cannot be effective for his own good as long as he is forced to sell in an unprotected market and buy in a protected one. The A. A. A. was designed to remove this discriminatory situation. With its invalidation by the Court, on the ground that the Federal Government did not have the authority to regulate agriculture or control its production, the Court by inference clearly indicated that this power rests with the States. This bill, therefore, is designed to meet the suggestion of the Court, as set out in the majority opinion. To my way of thinking, the Court adopted an untenable and absurd position in holding that agriculture was a local rather than a national problem. If the Federal Government is without this authority and power, surely there is no other place to which we can go for the protection of agriculture save to the several States. If this bill is passed and the several States enact uniform cooperative legislation and make its administration effective upon an equitable basis for all the growers, it should go a long way toward solving the serious problem confronting the growers in the tobacco-producing areas. Though there is no doubt but that the Soil Conservation Act will be constructively helpful over the long period, it is generally agreed that its influence on the production of tobacco will

not be immediately effective. Tobacco occupies a rather unique position among the basic commodities, for the reason that an acre of tobacco involves a considerably larger amount of money than an acre of any other commodity.

Unfortunately it is also a fact that tobacco is the only revenue-producing commodity in the United States. My colleagues, Hon. R. L. DOUGHTON and Hon. LINDSAY WARREN, have already in a telling way referred to the present exorbitant and unconscionable taxes which are levied against tobacco products. There can be no doubt in my mind but that a removal of a substantial portion of these taxes would be immediately reflected in better prices to the grower. It seems, however, that notwithstanding the efforts of many of us for the past several years to impress officials of the Department of Agriculture with this idea, they have shown little concern or interest in removing this unjust burden against the tobacco producers. As indicated by my colleague, Judge CLARK, the tobacco program under the A. A. A. was by and large a phenomenal success. Growers, warehousemen, and manufacturers gave it their wholehearted support and cooperation, and each group reaped a reward without placing any additional burden upon the consumers. I am also glad to take this opportunity of stating that the manufacturers in my State met their obligation promptly and cheerfully, and at no time questioned the Government's claim to the processing taxes as long as they were being used to insure parity prices to the growers.

In conclusion, let me express the earnest hope that this bill will be passed today without a dissenting vote from this side of the House. It may mean the difference between good times and bad times for millions of our country's best citizens. If properly and effectively administered, it will not only bring about and sustain the economic well-being of the tobacco growers but will also directly bring untold benefits to all types of business in the States affected and throughout the country at large. Its suggested merits are certainly worth a fair, sincere, and thorough work-out. [Applause.]

The CHAIRMAN. The time of the gentleman from North Carolina [Mr. HANCOCK] has expired.

Mr. KINZER. Mr. Chairman, I yield 6 minutes to the gentleman from Wisconsin [Mr. BOILEAU].

Mr. BOILEAU. Mr. Chairman, there is a great deal of difference between the bill we now have under consideration and the bill that was first introduced and considered by the Committee on Agriculture. On yesterday, during the debate, some reference was made to the position which I took, as was evidenced from the record of the printed hearings on the bill H. R. 11928 when the bill was being considered in committee. At the time the committee was considering the original bill I took the position that it was clearly unconstitutional, for the reason that the bill intended to give to a State or a group of States the unlimited right to enter into compacts for the control of tobacco. The original bill was broad in its terms. It was intended, however, to apply to the situation with reference to which we are now legislating, but was so broad in its terms that under the provisions of the original act we would have been giving carte blanche authority to all States to enter into any kind of a compact they might see fit to enter into as long as it dealt with tobacco. The bill now under consideration, however (H. R. 12037), has been amended so that it is not objectionable from at least that constitutional standpoint, because the bill now provides that those States which are named in the Virginia statute may enter into a compact in conformity with the Virginia compact. So that we have before us now, by reference to the Virginia act, a definite, concrete proposition, so that we now know what we are legislating upon. We now know what authority we are giving to the States, and we now know definitely and without question the exact type of compact that we are authorizing those States to enter into. It was my position while considering the original bill that Congress could not give its consent until Congress knew exactly what it was consenting to. It seems to me that is obvious. No one could give consent to a contract unless its terms and provisions were known to the contracting parties. Obviously, under the terms of the original bill, we would

have been attempting to give our consent to the provisions of a compact about which we knew nothing. That situation is now remedied. The bill now before us is very definite, and resolves itself down to the proposition of whether or not we are willing to give these particular States named in the Virginia act the right to enter into a compact or agreement between themselves to carry out a control program for tobacco.

Unfortunately, the decisions of the Supreme Court on the question of compacts are not very enlightening, because very few cases have been before the Supreme Court. Although the Constitution very clearly indicates that the States have the right, with the consent of Congress, to enter into certain types of compacts or agreements that they would be otherwise unable to enter into, still the cases before the Supreme Court have been so few and have been upon such very limited lines that we do not have much help from the Supreme Court decisions at the present time in interpreting this particular provision of the Constitution which gives the States the right to enter into compacts. I am of the opinion, however, that these compacts may be entered into under the Constitution, and that we may find, from our experience in the operation of these compacts, a workable solution to many of our problems. It may be that if this compact is entered into it will lead the way for agreements among other States producing other commodities which may solve many of the problems that are now confronting us and which now seem almost insurmountable.

I, for one, am willing to give to those States this right by giving congressional consent. I am willing to give them the right to enter into these compacts. Apparently they all want it. No one seems to feel it is detrimental to their interests. I am willing to give them the right to enter into these compacts; yes—and welcome the opportunity for this country to have the experience that will be developed by putting this compact into operation. [Applause.] For that reason, and because I am satisfied that nothing in the act will be detrimental to the interests of other States, I am going to support this bill. [Applause.]

The CHAIRMAN. The time of the gentleman from Wisconsin [Mr. BOILEAU] has expired.

Mr. COOLEY. Mr. Chairman, I yield to the gentleman from Virginia [Mr. BURCH] 5 minutes.

Mr. BURCH. Mr. Chairman, I first want to thank the gentleman from Wisconsin [Mr. BOILEAU] for the splendid address he has just made and for supporting us in this legislation. I wish to assure him that the State of Virginia certainly appreciates his support.

Mr. Chairman, as I understand this bill, no attempt is made to confer upon the States any powers not already possessed under their respective constitutions. This bill does no more than give the consent of Congress to the tobacco producing States to enter into agreements or compacts among themselves for the purpose of endeavoring to regulate and control the production of tobacco.

The Virginia act, which is referred to in this bill and known as the Tobacco Control Act, was recently enacted by the Virginia Legislature, composed of 140 members, and there was only 1 dissenting vote. The able attorney general of the Commonwealth of Virginia, who is an outstanding lawyer in our State, assisted in drafting the Virginia measure, and it had his approval, together with the unqualified approval of our distinguished Governor—himself an eminent attorney. Furthermore, many members of the Virginia Legislature are lawyers of proven ability, so we believe the Virginia act will stand the test under our State constitution.

In a referendum recently conducted among the growers in the flue-cured area in the State of Virginia, 98 percent of the tobacco growers voted in favor of control and regulation of tobacco production. Under the Virginia act it is provided that two-thirds of the tobacco producers must express their approval before the law becomes effective, and 10 percent of such growers may, in any year, on petition to the Governor, demand a referendum. The Virginia act not only requires a majority vote but it is necessary that two-thirds vote in favor of the plan.

During the years 1930, 1931, and 1932, when there was an overproduction of tobacco, the average return to the growers for flue-cured tobacco was about 7 cents per pound, whereas in the year 1934, under a production-control plan of the Agricultural Adjustment Administration and the Kerr-Smith Act, the average return to the growers of the same type was approximately 28 cents per pound. With an overproduction last year, 1935, which was permitted over the protest of all Congressmen representing districts in which flue-cured tobacco is grown, the average return to the growers was reduced to approximately 20 cents per pound.

The world consumption of flue-cured tobacco is from 560,000,000 to 700,000,000 pounds annually and an increase in production of 200,000,000 in 1935 has resulted in a production over consumption of more than 100,000,000 pounds, which will be a carry-over to 1936.

This type of legislation is being strongly urged by the tobacco growers in the flue-cured area in Virginia, the Carolinas, Georgia, and Florida, and they have expressed the hope that it might be possible to apply it to the crop for the current year. It is my information that the burley-growing States will endeavor to effect a similar compact in 1937. In my opinion this is proper and adequate legislation, and I consider this method the proper approach to an extremely important proposition. I very strongly favor the enactment of this bill. [Applause.]

The CHAIRMAN. The time of the gentleman from Virginia [Mr. BURCH] has expired.

Mr. COOLEY. Mr. Chairman, I yield to the gentleman from North Carolina [Mr. UMSTEAD] 5 minutes.

Mr. KINZER. Mr. Chairman, I also yield the gentleman from North Carolina [Mr. UMSTEAD] 5 minutes.

The CHAIRMAN. The gentleman from North Carolina is recognized for 10 minutes.

Mr. UMSTEAD. Mr. Chairman, I shall undertake to point out some significant facts with reference to the desirability of this legislation.

Four hundred and forty thousand farmers in this country produce tobacco. Two million two hundred thousand people are dependent upon its production for their living. The need for this legislation is reflected by the success of the tobacco program under the Agricultural Adjustment Act, which has been referred to many times during the discussion of this bill. Of course, the Agricultural Adjustment Act, which was held unconstitutional, was from the beginning severely criticized by many of the Republicans, including those who now attack this legislation. Many of them, including the gentleman from Missouri [Mr. SHORT], who spoke today, have criticized all efforts which have been made by this administration to bring relief to the farmers of this country. The gentleman from Missouri [Mr. SHORT] stated a few moments ago that he used to know how to induce a horse to put its head into a halter and to induce chickens to come into a coop, and he described the methods he used in glowing terms.

If that is the extent of his farming experience, he is not an authority on the question. But even if he knew that much, it has been so long since he undertook to put a halter on a horse that I dare say he would not now know whether the halter was on the horse's head or on the horse's tail. [Laughter.]

Mr. Chairman, I call attention to the fact that in the year 1931, which is a fair year for comparison because of the season and the crop, there were produced in the flue-cured areas of the United States 669,879,000 pounds of tobacco. This tobacco that year brought \$56,406,000. In 1934, after the regimentation to which the inducer and enticer of horses [laughter] referred under the tobacco program of the Agricultural Adjustment Act, there were produced in the same area 556,930,000 pounds of tobacco, and it brought \$151,793,000.

The Hoover administration, supported by the gentleman from Missouri, brought to the producers of tobacco poverty, real suffering, darkness, and disaster. This administration's program, so severely criticized by many Republicans, including the gentleman from Missouri [Mr. SHORT], brought to

the producers of flue-cured tobacco some measure of comfort, prosperity, and confidence in the future.

The tobacco program under the Agricultural Adjustment Act was administered without any increase in cost to the consumers of tobacco products in the United States.

What else has it meant? It has meant that millions of dollars have flowed into the channels of commerce. My good friend, the gentleman from Michigan [Mr. MAPES]—and I have the highest regard for him—spoke vigorously against the enactment of this legislation. He comes from a State which makes automobiles and more of them than any State in the Union. In the district of the gentleman from North Carolina [Mr. WARREN] in September 1934, when the State was under the regimentation imposed by the Agricultural Adjustment Act referred to by the gentleman from Missouri [Mr. SHORT], the people in and near the town of Greenville, N. C., purchased from the Ford agency in that town about 267 Ford automobiles, and most of the money paid for them went to the State of the gentleman from Michigan [Mr. MAPES]. According to my information, the dealer in Greenville, N. C., a town of about 13,000 inhabitants, sold more Fords in September 1934 than any Ford dealer anywhere in the world, and I am astounded that my good friend should object to the State of North Carolina making money with which to buy the products of the State of Michigan.

In 1931 the tobacco crop in North Carolina brought about \$42,000,000; in 1934 a smaller crop brought \$119,135,000, and so it goes; yet the Republican Party, represented by its spokesmen on this floor, objects to a program which will bring some measure of relief to the people we are seeking to aid by this legislation.

What is the present condition? The average flue-cured stocks of tobacco in the hands of dealers and manufacturers in this country for an average period of 6 years on January 1, prior to 1936, was 834,653,000 pounds. The stocks of flue-cured tobacco in the hands of dealers on January 1, 1936, amounted to 964,090,000 pounds, or 129,000,000 pounds above the 6-year average. What does this mean to the grower of tobacco? It means inevitable disaster unless the crop can be controlled. It cannot be controlled by individual effort or individual action. The States cannot obtain control acting individually in this matter. This bill grants no Federal power. This bill sets up no agency to be administered by the Federal Government and does not provide for the expenditure of Federal funds. It merely gives to the sovereign States the consent of Congress, as required by the Constitution, to carry out jointly under uniform laws whatever powers the States possess to control the production and marketing of agricultural commodities.

In 1935 the Treasury Department of the Federal Government, exclusive of processing taxes, collected \$478,367,718 from tobacco taxes. For the 1935 crop the producers of tobacco in the United States received about \$237,479,000. In other words, the Federal tax last year was more than twice the amount received by the growers of tobacco. It is estimated that during the past 10 years the Federal Government has collected in tobacco taxes in excess of three times the amount of money which the farmers received during the same period of time for their tobacco. Such a tax is excessive and oppressive and ought to be reduced.

The tobacco program under the Agricultural Adjustment Act paid its way, and after meeting all obligations there will be several million dollars in excess of expenditures. In other words, the processing taxes on tobacco enabled the program to be administered on the basis of a balanced budget, a thing so much desired by the Republicans, who unbalanced the Federal Budget in the first place. During the life of the tobacco program approximately \$63,000,000 in processing taxes was collected on tobacco, out of which the entire program was financed, and at the same time the cost of tobacco products to the consumer was less in January 1936 than the price to the consumer in 1931.

In its decision holding that the Agricultural Adjustment Act was unconstitutional, the Supreme Court pointed the way to State control. Certainly if the production and marketing

can be controlled at all, it must be done by the States. An overwhelming majority of the farmers in North Carolina and, I am informed, in the other States producing flue-cured tobacco are in favor of compact legislation. Those of us from tobacco-producing areas in the flue-cured States urge you today to pass this bill in order that the States affected can, if they wish, under State laws endeavor to solve the problems of the tobacco producers. Participation by any State is a voluntary matter, and a compact, if formed, for any given type of tobacco, in my judgment, cannot injure any State which does not participate and join the compact. Furthermore, if any State enters a compact and does not desire to remain in the compact, it can withdraw at any time it may desire. The program to which we are asking Congress to consent will be largely in the hands of the growers themselves, and certainly they should have the opportunity to solve their problems.

It is necessary that this legislation be passed without delay. Planting time will soon begin in some of the flue-cured areas and will be under way in all of the flue-cured States within 30 days. If relief is to be afforded this year, it is urgent that this bill be passed at once. For this reason many of us from flue-cured tobacco-producing districts have endeavored in every way possible to obtain action on this legislation as rapidly as possible. We appreciate the consideration shown us by the chairman and members of the House Committee on Agriculture, and we will be grateful for the support of the Members of this House to the end that this bill may be passed today. Up until this time no man on the Democratic side of the House has taken the floor in opposition to this legislation. The opposition has come from the Republican side. They should not play politics with the producers of tobacco, and I am sure that this House will recognize that the attack on this measure is partisan and political and is being made by those who have regularly opposed the efforts of this administration to aid the farmers of the United States. I urge you to vote for this bill. [Applause.]

Mr. KINZER. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania [Mr. RICH].

Mr. RICH. Mr. Chairman, I ask unanimous consent to revise and extend my remarks—not only the ones I am going to make now but the remarks I made earlier this morning.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. RICH. Mr. Chairman, section 12 of the pending bill reads:

The Secretary shall prescribe such rules and regulations as he may deem necessary to carry out the provisions of this act.

We all recall very distinctly the regulations of the Secretary of Agriculture so far as the A. A. A. was concerned.

The professed purpose of the A. A. A. was to curtail production. But from May 12, 1933, to December 31, 1935, according to the crop reports of the United States Department of Agriculture, the Government paid over \$255,000,000 to wheat growers in the United States to curtail production, but the wheat acreage increase of 1935 over 1934 was 7,577,000 acres.

From 1933 to 1935 the Government paid over \$53,000,000 to tobacco farmers to curtail production, but the tobacco acreage increase of 1935 over 1934 was 187,700 acres.

From 1933 to 1935 the Government paid over \$333,000,000 to cotton farmers to curtail production, but the cotton acreage increase of 1935 over 1934 was 402,000.

From 1933 to 1935 the Government paid over \$397,000,000 to decrease corn acreage and hogs farrowed, but the corn acreage increase of 1935 over 1934 was 4,932,000 and the increase of hogs farrowed in the same period was 687,000.

The New Deal took the taxpayers' money, amounting well over a billion dollars, and gave it away to bribe the farmers to curtail production. But despite this expenditure, production of 1935 over 1934 in wheat, tobacco, cotton, and corn acreage was substantially increased.

If the control of anything is put into the hands of the Secretary of Agriculture for a particular purpose it may be readily seen that he does the very opposite from what he is

supposed to do. I want to say to the Members of Congress that we are regimenting the farmers of this country and all their business under the laws which have been passed during the last year or so; sooner or later the farmers of America will revolt on this procedure.

Mr. Chairman, I want to call attention to the remarks which the chairman of the Ways and Means Committee made yesterday in speaking for this legislation:

All the farmers ask is to be given an opportunity to continue receiving in the future the benefits they derived in the past as a result of the tobacco-control legislation. If this is done, it is not going to impose any heavy burden on any class of people or on any section of the country.

I should like to say to the chairman of the Ways and Means Committee, who must propose to raise taxes to meet the deficit that the Federal Government has, if we are going to do anything to help the farmers it is time we gave the farmers of this country a pension instead of trying to regulate and harass them by regulation through political control. The farmers will not receive any direct result through political control if we continue to do what has been done in the past 2 or 3 years—increasing the Agriculture Department pay roll and not the farmers' checks.

May I also call attention to this statement which the chairman of the Ways and Means Committee made:

Those of you who always have believed and still believe, in a high protective tariff whereby the manufacturers receive special benefits directly should be the last to oppose this legislation. This being so, why should we here split hairs over constitutional technicalities?

When the chairman of the Ways and Means Committee refers to splitting hairs over constitutional technicalities, may I say I think the chairmen of the great committees of this House have access to good legal talent. We should not split hairs over anything that is liable to be involved in the question of constitutionality. The House of Representatives has the opportunity to secure the best legal talent in the country to advise it, and any laws that are not constitutional should not be presented here on the floor of this House.

Mr. Chairman, I also call attention to the fact, when he speaks about manufacturers and the tariff, I say that we should have a tariff that will protect the American farmer. Let me show you what has happened to the American farmer in the last year in connection with importations. The following table will speak for itself in this regard:

Commodity	Year 1934	Year 1935
Wheat.....60-pound bushel..	7,736,532	27,438,870
Corn.....56-pound bushel..	2,959,256	43,242,296
Oats.....32-pound bushel..	5,580,407	10,106,903
Butter.....pound.....	1,107,020	22,674,642
Beef, fresh.....do.....	140,447	8,584,114
Pork, fresh.....do.....	127,746	3,922,609
Canned meat.....do.....	46,777,875	76,653,242
Animal oils and fats, edible.....do.....	1,723,261	18,895,241
Hides.....do.....	200,770,332	303,475,633
Tallow.....do.....	42,813,299	245,850,922
Carpet wool.....do.....	85,181,282	171,504,101
Tobacco.....do.....	57,658,000	63,296,000

Note the increase of importation of farmers' produce, yet you want our farmers to let their ground lie idle, pay them for so doing, and import the things they raise in ever-increasing amounts. Why do you do it? You tax the people to pay for permitting foreigners to raise our produce instead of our own farmers. You will wreck the country by this process surely.

We might not be fools here, but we are certainly doing the things that fools would do.

We want a tariff that will protect the American farmers from competition with cheap-paid foreign farm labor. I favor preserving the markets of America to the American farmers; it is without a doubt the best market of the world, and the best market is none too good for the American farmer. He deserves the best market.

We appropriated in 1936, \$147,789,692.14 to the Department of Agriculture for the year 1937. The appropriation, after passing the House of Representatives, was \$161,873,147, an

increase of over \$14,000,000. Why the great increase to help the farmers? Well, I question if the farmers get any increase. It is to set up a greater organization for what? Well, look out for the politics this year; the politicians probably will get the money and the farmers will get advice.

Yesterday Mr. WARREN analyzed the price of a pack of cigarettes, as follows:

	Cents
To the farmers for tobacco.....	1 1/4
To manufacturers for gross profit.....	3 1/2
Tax to Federal Government.....	6
Profit to wholesaler and retail merchant.....	4 1/4

Price of a pack of cigarettes..... 15

When he spoke of the 3 1/2 cents as a gross profit to manufacturers did he realize that the 3 1/2 cents per pack was for his interest on investment in business—the land, the buildings, the machinery, the taxes he pays to his local communities and his State, his Government income tax of 13 3/4 percent on his profits, for the cost of his labor, of which there are thousands employed in his factories, and his insurance and all overhead expenses of all kinds, so it is not a profit, but includes all items of expenses as well as his profits?

We talk of the great tax on tobacco and the tobacco industry. Sure, it is high. Well, the tax on gasoline is high, the tax on farm property is high, the tax on most everything you buy is high, and if we continue the exorbitant expenses of this administration, they will be higher, not lower. Remember, this administration in its platform promised a reduction in Government expenses of 25 percent, but instead you have increased them over 100 percent. How can any sensible man say we will, or can expect lower taxes when your expenditures are twice as much as your income? You have spent this year, as per the Government report issued by the Treasury on March 7, \$2,431,448,501.04 more than your receipts. This administration is wrecking our financial structure. You are regimenting our farmers and camouflaging the people. If the people do not awaken to the fact at once and stop it, you will lose your form of government and the American freedom.

Mr. COOLEY. Mr. Chairman, I yield 5 minutes to the gentleman from Kentucky [Mr. VINSON].

Mr. VINSON of Kentucky. I did not get the drift of the remarks of the gentleman from Pennsylvania in regard to money paid to the tobacco growers under the A. A. A. I thought I caught the inference that money for this purpose had been paid from the general taxpaying fund of the Treasury to the farmer or to the tobacco grower. If the gentleman intended to convey that meaning, of course, he is in error. Tobacco is one product that paid its way without the additional expenditure of a dollar from the general funds of the United States. Processing taxes took care of every dollar that went to the tobacco grower under the Agricultural Adjustment Act. When the sum of \$281,000,000 was appropriated to make good benefit agreements on other commodities, tobacco did not get one single thin dime of that money. As a matter of fact tobacco paid its way plus.

The gentleman from Wisconsin [Mr. BOILEAU] referred to this legislation as being pioneer legislation. I am inclined to think he is right. This is legislation that may solve the problems of other farmers in these United States.

Eighteen of the twenty counties which I have the honor to represent grow burley tobacco. The welfare of the tobacco grower is my most serious thought and purpose. Legislation affecting the tobacco grower is to me the most important legislation the Congress of the United States can pass. The A. A. A. was most beneficial in tobacco country and in my district. It meant food, clothing, and the necessities of life to the tenant farmers. In addition thereto it meant ability to pay interest on debts to the man who owned the farm under the tobacco program. The sun did shine bright in my "old Kentucky home."

Mr. Chairman, last night the temper of the House was somewhat different from the temper of the House today. Sleep and opportunity to study the bill has brought sweeter tempers. The distinguished gentlemen of the minority last night evidently misunderstood the bill under consideration.

I have no criticism of that because it was a very natural thing. Hearings were held on one bill. The hearings were printed, and when the Members read these hearings naturally they thought the printed hearings were addressed to the bill under consideration. After the hearings, it was apparent that the committee did not favor certain sections. Instead of committee amendments a new bill was drafted, leaving out sections 3 and 4, which dealt with the commerce powers, and section 11, which dealt with the penalty clause, the portions in the old bill which were not satisfactory to the committee.

What do we have here? The consent of the Congress is granted to States to enter into compacts. I say that each State affected hereunder could pass the identical statute without this character of legislation.

Mr. ANDRESEN. Mr. Chairman, will the gentleman yield?

Mr. VINSON of Kentucky. In a moment.

I submit we could have such statutes, but it certainly will be beneficial to the States and beneficial to the tobacco growers of those States to have the consent of the Congress to put this into effect.

The Supreme Court said we could not control production by contract under the A. A. A. They said such is a State function. The States, and the citizens of the States, and the tobacco growers within those States, recognize and bow to this decision of the Supreme Court. They want to control production. They know it requires control of production to secure a fair price. They want to do it under State law. And what does it mean? Does it mean anything to the Treasury of the United States for them to control production? No. Does it mean anything to the consumer of tobacco products for them to control production? No. The prices of manufactured tobacco products experienced no substantial increase under the A. A. A.

What it does mean is that the tobacco grower, who is at the mercy of the manufacturers of tobacco, who fix the price for him, will get the difference between a poverty price and a living price for his tobacco. This is all that is involved in the controlled production of tobacco.

This legislation will permit the States affected to enter into compacts if they desire—in conformity with the Virginia statute—whereby production can be controlled. It means that—nothing more and nothing less. [Applause.]

[Here the gavel fell.]

Mr. COOLEY. Mr. Chairman, I yield 3 minutes to the gentleman from Kentucky [Mr. CREAL].

Mr. CREAL. Mr. Chairman, there are some gentlemen in this House who devote a large portion of their time looking after the boys engaged in labor. There are others who spend a great portion of their time in the interest of the tenant farmer and the sharecropper. Here is a good time for those interested in labor and for those who are interested in the tenant farmer and the sharecropper to have their say.

All of the 19 counties in my district are tobacco counties and, I suspect, grow more tobacco than any one congressional district in the entire country. If I could have had placed in the galleries and in each aisle here a Republican tobacco grower, who could have heard every word that has been said on this floor here today and from the time the debate opened until we took the vote on the rule, you would not get the vote of a Republican tobacco grower from any one of these counties. If they had heard the proceedings of the House and had seen how the Members voted and had heard your arguments, I am sure you would not have got a single one of their votes, and most of these boys on the hillsides in my district belong to the Republican Party; and if this special session of the legislature is called back there in Kentucky in a few days, there will not be a single, solitary Republican Member of the Senate or of the House who will vote against this proposition, and yet, on the floor of this House, through some means, people who have never seen a tobacco plant growing want to make a political issue out of a matter that has no political significance whatever.

Mr. Chairman, if the situation were uncontrolled and if you were to guarantee them 20 cents next year or set 20

cents as the price for all that they raised, they would raise enough tobacco next year to supply the demands for the next 5 years, and you could not give it away or use it. Therefore, they must proceed in the light of past experience. What would happen to the coal business if you just dug out the coal without some word from the boss as to the amount of output? What would be the result with respect to labor and the coal market?

Yes; they have had their troubles. They have used the missionary system, to sign up by gentlemen's agreements, and then another State would say, "Kentucky is cutting down, we will increase", and the program would be spoiled. This is the only way in which it can be done. [Applause.]

I cannot see why anyone would be against this bill except the tobacco companies, who want to buy it cheaper. One speaker said it would cost the tobacco user more money. I would remind him that in all the years of varying prices there is practically no difference in the prices of cigarettes or other finished product, regardless of whether the price paid the grower was high, medium, or low.

Another speaker said he feared that if this was successful that other farm blocs would use the State compact system to elevate their prices. This is equivalent to saying that he is opposed to an elevation in prices of farm products in general.

Another fears that it might not be constitutional. The decision of the Triple A question said Congress had no right to control production, but that such was a question for the States.

This bill permits the States to enter into a compact with each other for crop-control production by each State by passing a similar law and making it conditional that it is not effective in any State until the same law is passed in all the States concerned.

This makes it impossible for one State to pass a control measure and be left standing alone for it only becomes effective when passed by all the tobacco States named in the bill.

It is the same system as the A. A. A., but as suggested by the Court should be a State matter.

There is none in all the country who would dare say that the A. A. A. did not serve as a lifesaver for the tobacco growers.

Even those who did not join had the increase in price after payment of the tax over the previous years.

It is amusing to hear some of the argument advanced against this bill by some who never saw a tobacco plant growing. They have not the slightest idea of the working conditions of the tobacco people and of the labor required to produce it. The tobacco plant requires more labor from its first and last handling than any other plant in any country grown by man.

It is true that other crops sometime bring a low price but no other crop has ever been known to be given away. It has happened in my time that growers have worked all the year in a crop, shipped it to market, and when the freight and expense of selling is charged the tobacco failed to bring enough to pay the expense and the warehouse wrote back to the grower to pay the difference. No other crop ever reached that low ebb in price.

If some of the opposition to this bill had ever worked in a tobacco crop or ever lived in a community where it was grown they would be more sympathetic with the aims to try to help these people get a decent wage for their labor.

It is not uncommon in tobacco-working time to see the whole family—mother, children, and all—in the tobacco patch day after day.

Then when sold and expectations are buoyed up depending on the tobacco to get the boy's new suit and the girl new clothes, we find the family receiving the disappointing news of the unheard-of low price and the family air resembles more the news of the death of a friend than a happy family circle.

There is but little competition in the buying of tobacco compared with competition in other business. The world can use only so much and the tobacco companies cannot be

blamed for not paying a high price for tobacco they do not need and cannot sell for a long time in waiting.

If gold was as plentiful as coal a bushel of coal would be worth more than a bushel of gold. If diamonds were as plentiful as sea shells on the Florida coast no one would wear them.

When tobacco floods the market we may expect the same result. There are some tobacco growers who may be too shortsighted to know that the raise in price was wholly due to the operation of the A. A. A. method now out of use by the court decision. And with the fair price of 1935 their natural tendency would be to increase the crop in 1936. This would result only in the old story of give-away prices and the grower would receive less for 10 acres than he would for five under a regulated system.

Many growers know this full well, but they are powerless to do anything about it without such a system as this proposed.

When we voted on the motion to adopt the rule to bring this bill up on a rising vote, every vote in opposition was on the Republican side of the aisle. Not a vote stood against it on our side.

I am sure the Republican tobacco growers do not appreciate this vote and do not appreciate your trying to make a political issue out of this matter which has no political significance whatever.

It does have this significance, however, that makes the line-up once more in this House this session of the eastern Republican wing opposing every move to help the farming industry just as you have done for a generation. Why not treat this question on its merits without this effort to make a party matter of it?

Some of these days the Republican farmer will get tired of voting for you people that line up here against every bill intended for his benefit and he will cut loose and vote a few times for himself.

The Republican side of the House is making a mistake both politically and as matter of common justice to lots of good people when you vote against this bill. The tobacco growers may be poor, but they are the kind of people who are the foundation of the Government. There is no foreign element among them such as give us trouble elsewhere. They are all the good, old, honest, hard-working American stock of fine people.

I was born and reared among them and one of them. I speak of their problems both from personal experience and long observation.

We have been skirmishing here for 2 days on this bill that should have passed within an hour. I want to thank those from other States who have no interest in the tobacco business but who have aided the boys from the Tobacco Belt from a sympathetic standpoint and friendly interest.

The sole object of this measure is to help the tobacco raiser, and the sole beneficiary if it is defeated is the tobacco buyer.

After all, what does it amount to to be a Member of this body if we cannot be of service to somebody in need, to lighten somebody's burden, to relieve the oppressed, to dry a tear, and restore a smile?

I have not so far, and I doubt if I ever will, take as much pleasure in the support of any measure that may come before this body as I do in this one. It would be the same if my voice was the only one heard and my vote the only one cast, I would do it with pleasure.

It will help right a wrong of long standing. It will put shoes on bare feet. It will bring cheer to the mothers in the homes of the tobacco raiser in the hills of Kentucky and elsewhere. Those mothers, though they may live in humble homes and their heroic sacrifices to hold together and properly rear their children be unknown to the world, yet they are pure gold and the kind of mothers that make America great.

When you vote against this bill it will be the most heartless vote you ever cast. Such were my playmates and boyhood friends. They have been kind to me in bygone days when I sought public service, and by the eternal, I will never desert them when their interest is being voted on.

Mr. COOLEY. Mr. Chairman, I yield myself the remainder of the time.

Mr. Chairman and colleagues, in the very brief time I have I shall not attempt to recount the hardships and vicissitudes which the tobacco farmers experienced or to recall the misery and misfortune they suffered before the present administration, through the Agricultural Adjustment Act and the Kerr-Smith Tobacco Act, enabled them to organize for the purpose of controlling their business. I desire, however, to impress upon the House the necessity for this legislation.

We in the tobacco country are facing an awful situation this fall unless the tobacco crop is controlled. Last year we produced a crop of approximately 805,000,000 pounds, against a consumption of approximately 640,000,000 pounds.

Mr. ANDRESEN. Mr. Chairman, will the gentleman yield?

Mr. COOLEY. In just a moment I will yield.

This year the prospect is that instead of an 800,000,000-pound crop, unless some form of control is exercised, in all probability we will have a much larger crop, and this will result in disastrously low prices to the tobacco farmers of our country.

I now yield to the gentleman from Minnesota.

Mr. ANDRESEN. Will the gentleman explain to the Committee just how they propose to control production under the compact? We have not had any explanation of the bill by its sponsors.

Mr. COOLEY. I am sure the gentleman understands that my time will not permit me to go into detail.

Mr. ANDRESEN. Does not the gentleman feel, though, that the House should know just what the compact is and how they propose to carry it into effect and what kind of control will be followed?

Mr. COOLEY. I am sure the gentleman knows I have tried to give him such light on that subject as it is possible for me to give. I furnished the gentleman with a copy of the bill passed by the General Assembly of Virginia which sets up the formula which will be followed in all the compacting States. The general purpose of the legislation, of course, is to control production and bring it somewhere near consumption.

Mr. ANDRESEN. Does the gentleman feel that can be done under State laws and under State constitutions?

Mr. COOLEY. That is a matter to be passed upon by the great sovereign commonwealths of the country in which tobacco is produced, and I, for one, am willing to leave that to the chief executives, the attorneys general, and the general assemblies of those States.

Mr. ANDRESEN. And the Supreme Court of the United States?

Mr. COOLEY. And, of course, to the Supreme Court of the United States.

Mr. Chairman, I should like to read this language from the Republican platform of 1932, under the heading "Agriculture."

Farm distress in America has its roots in the enormous expansion of agricultural production during the war.

And again, still reading from the Republican platform of 1932:

The fundamental problem of American agriculture is the control of production to such volume as will balance supply with demand.

Again, reading from the Republican platform:

A third element equally as vital is the control of the acreage of land under cultivation as an aid to the efforts of the farmer to balance production.

I take it from the attitude of the Republicans in the House in the past that the control mentioned in their platform of 1932 was not Federal control. I take it also that the decision of the Supreme Court in the Triple A case was to the effect that the act invaded the rights of the States to regulate and control agricultural products. In that decision the Court likewise took the position that by Federal regulation we could not control production; and at least intimated that the States could exercise control over pro-

duction. As stated by the gentleman from North Carolina [Mr. CLARK], we will never have the opportunity to test this until some such an act as this is passed.

Neither this bill nor the State acts forming the compact will force crop control upon the tobacco farmers without their consent. A referendum is provided. Whether control and reduction of acreage is a good thing or not, I for one am perfectly willing to abide by the judgment of the majority of the growers themselves. I feel certain that the tobacco growers understand and appreciate their position and realize that an unusually large crop was produced in 1935 and that this large crop hanging over the market is well calculated to result in a return to starvation prices. If one-third of the farmers decide that they do not want control no control will be forced upon them by virtue of this act or the State acts passed under the consent herein granted.

In this act we only give consent to the States to do what it is assumed they can do at the present time. In my opinion, control in 1936 means the difference between poverty on the one hand and prosperity on the other in the tobacco country, and I hope this bill will pass. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. All time has expired. The Clerk will read.

The Clerk, proceeding with the reading of the bill, read as follows:

Be it enacted, etc., That the Congress of the United States of America hereby consents that any of the States in which tobacco is produced may negotiate a compact or compacts for the purpose of regulating and controlling the production of, or commerce in, any one or more kinds of tobacco therein: Provided, That all State acts authorizing such compact or compacts shall be essentially uniform and in no way conflicting: Provided further, That any compact, compacts, agreement, or agreements negotiated and agreed upon by the States referred to in the act of the General Assembly of Virginia, approved March 13, 1936 (known as the Tobacco Control Act), which is in conformity with and relating to the type or types of tobacco specifically referred to in said act, shall become effective to the extent and in the manner provided for in said act without further consent or ratification on the part of the Congress of the United States of America: Provided, however, That nothing herein contained shall be construed as preventing the Congress of the United States of America from hereafter withdrawing its consent to any compact or agreement entered into pursuant to this act.

The Clerk read the following committee amendment:

Page 2, line 5, after the word "with", insert "said act."

The committee amendment was agreed to.

Mr. DUNCAN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 2, line 5, after the comma, insert the following: "or by any other State or States producing any type or types of tobacco referred to in said act."

Mr. COOLEY. Mr. Chairman, we will accept that amendment.

Mr. BOILEAU. Mr. Chairman, I would like to ask the gentleman from North Carolina if that is by action of the committee? I do not know anything about it, if the committee has had a hearing about it.

Mr. COOLEY. No; the committee has had no hearing on that. I was not speaking for the committee.

Mr. DUNCAN. Mr. Chairman, the object of the amendment is to place other States not included in the Virginia act in the same category, so if their respective legislatures confer authority on them to enter into a compact, they may be able to do so without coming back to Congress to obtain authority. That is the only object of this amendment.

Mr. MAPES. Mr. Chairman, will the gentleman yield?

Mr. DUNCAN. Yes.

Mr. MAPES. Statements have been made on the floor of the House during the discussion of the bill that only those States specifically referred to could enter into compacts without coming back and getting the approval of Congress. I see nothing in the bill which sustains that position. It seems to me that the bill does not so provide. Is it the purpose of this amendment to perfect that situation?

Mr. DUNCAN. It is the purpose of this amendment to permit any other State that produces tobacco to bring itself

within the same provisions as these States that are mentioned in the Virginia act.

Mr. JONES. Mr. Chairman will the gentleman yield?

Mr. DUNCAN. Yes.

Mr. JONES. May I suggest there that that does not change the requirements that any of these States that come in must come in on the uniform terms of the Virginia statute. In other words, if there are some other States that produce a certain type of tobacco, then they come in if they come under the terms of the Virginia statute. Otherwise there must be ratification.

Mr. MAPES. Where is the provision in the bill which says that these other States must come back to Congress to have their compacts ratified?

Mr. JONES. If the gentleman will look on the first page, he will see the matter of entering into compacts was stricken out, and we authorized only negotiations. Then we follow the negotiation with a provision that if they follow the Virginia statute specifically, ratification shall not be required. Otherwise they could only negotiate.

Mr. MAPES. Does the gentleman construe that language to require specifically that these other States after they do negotiate a compact must come back to Congress to have it approved?

Mr. JONES. Undoubtedly, unless they follow in substance the Virginia statute, because we simply authorize the negotiation of agreements.

Mr. MAPES. Why would it not be advisable to put in the specific requirement that they shall have their compacts approved by Congress before they become effective?

Mr. JONES. We had that provision in. We provided in the first section for negotiation and entering into compacts, and we struck out the latter part, providing simply for negotiation of agreements and then follow it by an enabling provision to specifically enable these particular types that are set out in the law to be followed without ratification.

Mr. MAPES. But a person reading the statute would not know of that action in the committee.

Mr. JONES. We only give such authority as is affirmatively stated in the statute. We do not affirmatively give any authority for the actual making of compacts, except those specifically named in the bill.

Mr. MAPES. I think it would be desirable to have that more clearly set out in the bill.

Mr. JONES. The enumeration of one would by implication eliminate the other.

Mr. BOILEAU. Mr. Chairman, I rise in opposition to the amendment. My opposition is not because I am not willing that these compacts be extended to any State that might want to come under it, but I call the attention of the gentleman sponsoring the amendment to what appears to be, offhand, a serious objection to the amendment. This entire consent is predicated upon the fact that we are consenting to States entering into a compact in conformity with the Virginia act. If the gentleman will look at section 3, subsection (b), of the Virginia act, he will find that it provides—

(b) This act shall not become effective unless and until the Congress of the United States shall pass an act consenting to the establishment of compacts such as are authorized by this act; and thereafter this act shall become effective with respect to flue-cured tobacco upon the enactment of a similar act by the Legislatures of the States of North Carolina, South Carolina, and Georgia, etc.—

specifying particularly in the Virginia act the States with whom Virginia is willing to enter into a compact. Virginia, by its legislative act, has said that she is willing to enter into a compact with North and South Carolina and Georgia with reference to flue-cured tobacco and with other States with reference to the other types of tobacco. In this amendment we would extend that consent to include compacts with other States that are not specifically mentioned in the Virginia act. Assuming that these three States, North and South Carolina and Georgia enter into a compact, then it becomes effective immediately, but if any other State wants to come in under the provisions of the compact, whether Kentucky, Tennessee, or any other State, it would require

action on the part of the State of Virginia before it could become operative.

In other words, the Congress cannot impose a compact upon the State of Virginia with the State of Kentucky when its legislature says they want to agree only with North Carolina, South Carolina, and Georgia. I therefore submit that if you adopt this amendment you will require the State of Virginia to amend its law to conform to our act, and you would have a hodgepodge that would result in confusion, and I doubt very much if it would be constitutional. This act in its present form permits negotiation of compacts rather than entering into compacts with States that are not mentioned specifically in the Virginia act; so that if this amendment is voted down they could still negotiate agreements, as far as burley tobacco is concerned, and then come back here next year with another act. That will clear the right-of-way. If we pass this act and give our approval generally to the proposition of compacts among States with reference to tobacco, I am sure that any necessary perfecting amendment could readily be enacted during the next session of Congress, and you all know that you do not expect to get a compact for burley tobacco this year anyway.

Mr. JONES. The gentleman makes a very interesting observation that should be considered, and I want to ask him, with reference to the Virginia statute, if he has read the paragraph following the one to which he has made reference? Subparagraph (c) reads:

The enactment of this act or similar acts by any of the aforesaid States or by other States shall constitute the basis for a compact between the Commonwealth of Virginia and such States—

And so forth.

Mr. BOILEAU. I am glad the gentleman has called my attention to that.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. BOILEAU. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes to clarify this matter.

The CHAIRMAN. Without objection it is so ordered.

There was no objection.

Mr. BOILEAU. I confess this matter is new to me and I did not know of this particular language.

Mr. JONES. I think the gentleman has raised a very interesting point that should be considered. If the House is willing to pass this amendment temporarily, we might come back to it later.

Mr. BOILEAU. I do not believe the Congress of the United States can give consent to a compact in advance of knowing exactly who the parties to that compact are. If we broaden this to include any and all States, I wonder if the consent given by this act would then be constitutional.

Mr. VINSON of Kentucky. For what is the consent being given? Consent for States to enter into a certain compact. The compact, as I see it, is the thing that freezes the matter. It is the Virginia statute that freezes it. Now, let us assume that under the burley program you have Virginia, North Carolina, Kentucky, and Tennessee. Those are the States mentioned in the Virginia statute.

Mr. BOILEAU. And we are giving consent to those States only.

Mr. VINSON of Kentucky. To enter into a compact. Now, they enter into a compact. They agree to pass identical statutes with the Virginia statute. Wherein is there any new legal problem about Missouri, Ohio, or West Virginia passing identical laws with the Virginia act; and if so, why cannot they come into the compact? As I see it, it is the statute of Virginia that really controls.

Mr. BOILEAU. It freezes it also not only as to provisions but as to the parties to the contract. The State of Virginia might be willing to enter into this kind of a compact with North Carolina, South Carolina, and Georgia and might not, for some reason or other, want to enter into such a compact with Missouri. I agree with the gentleman that in the case that is before us today it is very unlikely that the State of Virginia would be willing to enter into a compact with some States which grow flue-cured tobacco and not others. I am

one of the few lawyers in this House who does not claim to be a constitutional lawyer, but it seems to me very clear that we cannot, in advance, give consent to entering into a compact between States unless the identical States are mentioned, or at least clearly identified.

Mr. VINSON of Kentucky. As I remember it, this amendment reads, "or any other State or States producing any type or types of tobacco referred to in said act." It seems to me the words "referred to in said act" refer to the types of tobacco. It has no reference whatever to the naming of certain States in the act.

Mr. BOILEAU. It limits it to those States specifically mentioned, unless the suggestion made by the gentleman from Texas [Mr. JONES] would clear the matter.

Mr. JONES. Mr. Chairman, I wonder if the gentleman would be willing to let this go over for the time being and come back to it later?

Mr. BOILEAU. I am willing to do that.

Mr. JONES. Mr. Chairman, I ask unanimous consent that this amendment be passed temporarily and be considered as pending, and that we proceed with the balance of the act, with the understanding that we return to this section and dispose of this amendment at a later time, as if it were being done now. I refer to this amendment or any substitutes or modifications thereof that may be in order at this time.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. GILLETTE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GILLETTE: Page 1, line 7, between the first word "or" and the word "commerce", insert the word "intrastate."

Mr. GILLETTE. Mr. Chairman, the purpose of this act is to consent to certain compacts between States for the control of the production of tobacco, but in addition we are consenting to compacts for controlling commerce in tobacco. I do not believe anybody will seriously contend that we could consent to a compact between States for the control of interstate commerce, but to make it absolutely clear I offer this amendment to insert the word "intrastate", limiting the consent to compacts for intrastate commerce alone in tobacco.

I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The amendment was rejected.

The Clerk read as follows:

SEC. 2. As used in this act, unless otherwise stated or unless the context or subject matter clearly indicates otherwise—

"Person" means any individual, partnership, joint-stock company, corporation, or association.

"State act" means any act of a State legislature authorizing a compact or compacts pursuant to the consent given in this act.

"Commission" means the tobacco commission created by any State act.

"Secretary" means the Secretary of Agriculture of the United States.

"Kind of tobacco" means one or more types of tobacco as classified in Service and Regulatory Announcement No. 118 of the Bureau of Agricultural Economics of the United States Department of Agriculture as listed below according to the name or names by which known:

Types 11, 12, 13, and 14, known as flue-cured tobacco.

Type 31, known as burley tobacco.

Types 21, 22, 23, 24, 35, 36, and 37, known as fire-cured and dark air-cured tobacco.

Types 41, 42, 43, 44, 45, and 46, known as cigar-filler tobacco.

Types 51, 52, 53, 54, and 55, known as cigar-binder tobacco.

Types 61 and 62, known as cigar-wrapper tobacco.

"Association" means any association of tobacco producers or other persons engaged in the tobacco industry, or both, formed under the laws of any State for the purpose of stabilizing the marketing of tobacco and providing crop protection to producers of tobacco in any State or States.

Mr. ROBSION of Kentucky. Mr. Chairman, ladies, and gentlemen, I was brought up between the tobacco rows and in my early life on the farm, as the son of a tenant tobacco farmer, I had a part in the sowing of the plant beds, cultivation, and preparation of tobacco for the market, and during those several years I killed hundreds of thousands of tobacco worms. At that time we caught the worm between the

thumb and forefinger and flipped its head off. They have changed the process somewhat—they do not kill them by violence, but give them a little sweetened poison, a more humane death.

I am, of course, deeply interested in the tobacco growers of my district and of my State. However, I have very great concern about this measure. I am wondering—and may I issue this word of warning to my friends in the House from Kentucky?—if you are not attempting to do the very thing here which in the long run is going to result in positive injury to the tobacco growers of Kentucky and other States in which it is now being cultivated. There are 43 States in the Union and millions of acres in foreign lands whose soil will produce tobacco. Only a few States now produce tobacco in any large quantity; perhaps not more than 21 States in all produce tobacco to amount to anything. Are you not now attempting to do something which will in the next few years result in tobacco being grown in 43 States instead of 21 and increase by millions of acres tobacco cultivation in foreign countries?

Furthermore, the measure before us does not pretend to help any tobacco grower in Kentucky, burley or otherwise. The bill expressly limits its provisions to flue-cured tobacco produced in only four States—Virginia, North Carolina, South Carolina, and Georgia. Kentucky does not produce any flue-cured tobacco.

This measure authorizes the four States—Virginia, North Carolina, South Carolina, and Georgia—to enter into a compact for the production and sale of flue-cured tobacco—no other kind of tobacco—provided the Legislatures of North Carolina, South Carolina, and Georgia accept and adopt without the crossing of a "t" or the dotting of an "i" an act already passed on this subject by the State of Virginia. By forcing Congress and these three other States to accept in toto the plan of Virginia, it seems to me that Congress is being governed by the Legislature of Virginia. The way this bill is brought up there can be no amendment to the Virginia plan. We must swallow it—hook, line, and sinker.

Now, there is another provision in the bill whereby other States could form tobacco compacts, but if they do they must come back to Congress and have the compact approved. Under this bill, when Virginia, North Carolina, South Carolina, and Georgia get together and form a compact, Congress will have no opportunity to pass upon it. In other words, we are now undertaking in the House to establish a "flue cured" tobacco bloc made up of four States.

I apprehend that it will not be long until you and I are called upon to establish a wheat bloc, a corn bloc, a cotton bloc, a fruit bloc, a cattle bloc, a hog bloc, and it has been suggested by my friend before me that we will be called upon to authorize a peanut bloc; and in the end our Congress and the country will be made up of blocs. If there is anything that threatens the security of your country and mine, it is blocs in Congress. What we need to think about in these terrible times is a great loyal American bloc, embracing the whole country and all of our people. [Applause.]

What will be the result when we have become a wheat bloc, corn bloc, fruit bloc, cotton bloc, cheese bloc, milk bloc, and hundreds of other blocs that might be formed is something to think about.

Many able lawyers believe this proposed act unconstitutional—just another New Deal unconstitutional proposal.

LOST MARKETS NOT REGAINED

Experience in this country teaches that when we once lose a market, it is difficult, if not impossible, to regain it. The chances are, if these tobacco compacts are put into operation as it is desired, one of these days Kentucky will find her type of tobacco being grown in other States where no tobacco is now grown. We will have the experience we have had with the cotton cut-out under the Bankhead Cotton Control Act. Nineteen hundred and thirty-two is when we had our economic low-water mark, but we exported 4,500,000 more bales of cotton in 1932 than we did in 1935. Our export of cotton in 1935 was not half as much as it was in 1932.

We increased the price of cotton. Brazil and other countries were encouraged to increase their production of cotton, and they began and have been ever since furnishing a lot of the cotton that we used to furnish to England and other foreign countries. We may be bringing about the same result for tobacco, and we may find tobacco being grown in 43 States instead of 21 and Kentucky will be badly hurt. The demand for Kentucky tobacco may be cut down by millions of pounds.

Mr. LAMBETH. Mr. Chairman, will the gentleman yield?

Mr. ROBSION of Kentucky. I yield.

Mr. LAMBETH. The gentleman refers to lost markets, particularly cotton. Is the gentleman aware of the fact that the export of cotton is already 1,000,000 bales greater this year than in 1935?

Mr. ROBSION of Kentucky. I question the accuracy of the gentleman's information, but if it is true, our export of cotton was 3,500,000 bales short in 1935 of what it was in 1932.

Mr. McCORMACK. Will the gentleman yield?

Mr. ROBSION of Kentucky. I yield.

Mr. McCORMACK. I am interested to find out whether my friend is going to vote for or against the bill.

Mr. ROBSION of Kentucky. As it stands at the present time I want to say to the gentleman that he will find me on the floor voting the way I talk and talking the way I vote. [Applause.]

Kentucky used to have a hemp field on almost every farm in the farming sections. The Democrats came into power and took the tariff off of hemp. This encouraged the growth of hemp in the Philippine Islands and other foreign countries. Our Kentucky farmers could not compete with the cheap labor and cheap taxes of those foreign countries. We lost our hemp market, and you can scarcely find a field of hemp in Kentucky today. Generally when you once lose a market it is gone forever. I am afraid that our cotton growers will wake up one of these days to find they have lost a big end of their cotton market forever through the ill-advised, unconstitutional Bankhead Cotton Control Act of this administration.

I make this prediction, if this measure is passed, that the demand for Kentucky tobacco will not be increased 1 pound within the next 5 years, but the chances are that the demand for Kentucky tobacco will be diminished, and that we will find, as I have said before, tobacco being produced in 43 States instead of 21 and tobacco being produced in foreign countries and sent to our country in competition with the American tobacco growers.

Honestly believing that this may be the consequences of this legislation, although brought up on a tobacco farm and sincerely interested in the tobacco growers of my district and State, I feel compelled to cast my vote against it. [Applause.]

Mr. KOPPLEMANN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, it seems to me that unfortunately the gentleman from Kentucky, who has just preceded me, belongs to one bloc he did not mention; that is the antibloc opposed to everything we are attempting to do for the people of this country. [Laughter.]

I am particularly pleased to express a word of appreciation to the gentleman who originated this measure. When it was first written the tobacco growers of my district were not included. When I explained to Judge KERR and his associates that my district desired to receive the benefits of this legislation our cigar-tobacco farmers were included.

To the Committee on Agriculture I express not alone my own thanks but the thanks of the farmers of the Connecticut Valley, as well as the other farmers throughout the country who will receive the benefits of this legislation.

Just before I left my district to return for this session of Congress, at the request, insistently made, a meeting of the tobacco growers of my district was held in my office. At that time the A. A. A. was still in force. These farmers came together to express to me their will and their wish that I do everything within my power to continue the provisions of the

A. A. A. And then a black day came for them when that measure was declared unconstitutional and, necessarily, the bill known as the Kerr-Smith bill was repealed. The Kerr-Smith Act, in a referendum held, had been endorsed overwhelmingly by the farmers in my district. Since its repeal I have received telegrams, delegations, and letters pleading that this Congress do something to protect and continue the benefits they had gained in the early days of this administration.

They are watching anxiously everything that is being done here. They are reading every word uttered on the floor of this House. They are praying that the Congress of the United States continue that fine cooperation which we have been giving them during the last 3 years. They ask that that cooperation be continued. As their Representative, I appeal to the Members of the House to support this measure, because it means prosperity not alone to the farmers of my district but through them to industry and merchants as well.

[Here the gavel fell.]

Mr. DIRKSEN. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, I assume when we reach that state that was referred to by the distinguished gentleman from Kentucky a moment ago, that is, when we reach the bloc state, then one might very well address himself to this distinguished body in the words of Cassius when he spoke to the Roman multitude, and said:

Ye blocks, ye stones, you worse than senseless things!
Oh, you hard hearts, you cruel men of Rome, knew you not Pompey?

But I shall not speak of any bloc. If I was possessed of the magnificent conceit like the six tailors of Tooley Street who addressed a petition to Queen Elizabeth beginning with the words "we the people of England", I might say that the people of the Sixteenth Congressional District of Illinois are opposed to this bill. The fact is, however, that they have had no chance to be informed on this matter, and so I must speak for them and to vote as I believe they would like to have me vote on a measure of this kind.

But I believe I shall ultimately be constrained to vote against this bill. I find inspiration for this conclusion in the remarks of the gentleman from Texas, the chairman of the committee, who yesterday spoke somewhat about the unwisdom perhaps of the pending legislation but that it was probably not within the province of the Congress to determine whether this was a wise and discreet policy or not. I can hardly subscribe to this view.

In view of the fact that section 10, article I of the Constitution reserves to the Federal Government the right to withhold sanction or give its approval to States entering into agreements and compacts, this necessarily must imply that we also have the permissive power to determine upon the wisdom and the discretion of the policy that is embraced within the terms of that kind of compact. I doubt somewhat whether this is going to be a very wise policy. Let us not forget that the end of this legislation is not necessarily reduction in production. That is but the means to the end. The real end, of course, is to raise the price of tobacco. If that be true, then the minute there is a recession in the price of other basic commodities we will have the same identical thing to face from other sections of the country.

Let me point out, for instance, that the records of the Department of Agriculture will show that the flax acreage has increased approximately 13 percent; the corn acreage in 1936 will be up 7 percent; spring wheat acreage will be up 19 percent; winter wheat acreage will be up 10 percent; peanut acreage will be up; and other acreages will be up. I venture to say, in view of the heavy carry-over that exists in connection with some basic commodities, such as 152,000,000 bushels in wheat and millions of bushels of corn in the cribs and on the farms in the Corn Belt, there will be a recession in price. There usually is as we go from one crop into another. Nothing can stop it. I venture the prophecy on the floor of the House today that when December corn goes on the Chicago board it will probably go on at 50 cents or thereabouts. When this happens, it simply means our

farmers will look to the Congress of the United States for some policy or legislation to bolster the price. Once the precedent of compacts is established they will have a right to do so. The result will be that the Congress will be hearing about the possibility of compacts for other commodities. And how easy it would be in connection with some of the basic commodities to develop compacts whereby you set up a species of sectionalism in this country?

Let us not forget, for instance, that cane sugar is grown in only two States of the Union and flaxseed is grown in only five or six States.

Mr. Chairman, I ask unanimous consent to proceed for 3 additional minutes.

Mr. CLARK of North Carolina. Mr. Chairman, reserving the right to object, will the gentleman yield?

Mr. DIRKSEN. Let me finish this one thought I have in mind, and I shall be pleased to yield to the gentleman.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DIRKSEN. Beet sugar is controlled in six or seven States. Rice is controlled in four States. How easy it will be, when there is a recession in the price of rice for four States to come in and say, "We ask sanction for a compact", and then what have you? You have one section of the country set against the other for the purpose of controlling prices.

Now, it might be said to me that we do not grow tobacco in Illinois, and therefore we have no interest in the matter. It is true we do not grow tobacco, but we do consume tobacco. We have 8,000,000 people in the State of Illinois, and we probably consume more tobacco than a dozen other small States put together. So we are thinking in terms of the consumer as well as the producer; but what I object to particularly is the setting up of a precedent whereby those who are producing other basic commodities will walk through a door of compacts, and then you will have the Corn Belt against the Cotton Belt, the Tobacco Belt against the Flax Belt, and the Rice Belt against the Sugar Belt, and everything will be done for the purpose of controlling and raising the price without a proper regard for the consumer. Moreover, producers of general crops such as wheat and corn will be at a distinct disadvantage, because it will be infinitely more difficult to bring a larger number of States into such a compact.

Let us not forget that back in Andy Jackson's time we had a sectional difficulty. Let us not forget that the Webster-Hayne debate started from a resolution introduced by a Senator Foote, from Connecticut, who sought to close the settling of western lands so that artisans and craftsmen would not leave the seaboard and go west, thereby creating a labor shortage and raising wage levels in the industrial States of the East. Thus was sectionalism raised, until it became a flaming issue.

I wonder if this is not going to do the same thing, and I would hesitate to vote for this bill on the basis of broad policy. I doubt that anyone will question the right of the Congress to examine into the wisdom of the policy set forth in a proposed compact and to withhold its approval if such compacts are not in the best interest of the country.

The only ground on which this proposal is sought to be justified is that the value of tobacco per acre is so high in comparison with other crops that the new Soil Conservation Act is inadequate to meet the situation. That fact can scarcely be cited as justification for this measure, because we are dealing with a matter of broad policy, with vast future implications. In some sections the new Soil Conservation Act already provides for benefits on 30 percent of the base acreage of tobacco as against 15 percent on the base acreage of other crops, and also provides from 3 to 4 cents per pound of the normal production as a benefit payment where erosion-prevention crops or soil-rebuilding crops are planted. Liberalization of the regulations under that act would appear preferable to a measure such as the pending bill, which contains possibilities of great danger as time goes on.

Finally, may I say that this measure contemplates a compact or agreement between States to control production

and raise prices. To corporations who attempt such a policy, we point an accusing finger and say they are attempting to violate the antitrust laws by a monopolistic practice. Can States do it with Federal sanction? To say the least, it presents an interesting question, that will one day return to plague us if this bill becomes law.

[Here the gavel fell.]

Mr. GASQUE. Mr. Chairman, I rise in opposition to the pro-forma amendment.

Mr. Chairman, after reading an account of the grass-roots convention sometime ago, held by the Republican Party, I cannot understand the position that they take today on the other side of the House. If there ever was a proposition coming before this House that was for States' rights, this is it.

I represent the tobacco-growing area of South Carolina. Our people want to do with the growing of tobacco and the regulating of its production as they would like, and the grass-roots convention went on record in favor of States' rights.

I cannot understand why my Republican friends should take the position that they have here against this bill. This bill does nothing more than giving the States that grow flue-cured tobacco the right to control the production and the marketing of that staple.

There is no agricultural product in the United States that pays as much tax into the United States Treasury as flue-cured tobacco. The records will show this. Last year about \$450,000,000 of tax was paid on the manufactured flue-cured tobacco that was raised, mostly in four States of the Union. The estimated amount that will be paid this year, 1936, will be over \$500,000,000 from these States paid into the Treasury from this tobacco, which is grown almost exclusively in four States. While we are paying these taxes into the Treasury, and also to the manufacturers, why should we not be allowed, in the States, to pass legislation that will protect the farmers through regulation of the production and sale of tobacco so that they may at least get a living out of it?

This is all we are asking and I cannot understand the position of the gentlemen who are opposing this bill. We are only asking that these States be allowed to control the production of tobacco to this extent, and the Supreme Court has intimated that this was in the province of the States and not of the United States.

I consider the A. A. A. the most important and only act ever passed in the history of this country that would give protection to the farmers of the country, and the farmers are really the main stay and backbone of the country. The farmers of my section of the country have come out of the depression under this act. They are today on their feet, but the Supreme Court has held that the Federal Government had no right to step in with regards to the control of production, but that the people of the States should be allowed to do as they please with regards to that.

Under the Kerr Act and the Bankhead Act these could not become effective until a large majority of the farmers had signed an agreement and were willing to come in under this. The Supreme Court has held that the people of the United States cannot protect themselves under their own agreement by an act of Congress, but they have intimated that they could be protected by an act of their own legislatures for all of their best interest and in the interest of the United States Government.

The only other phase of this bill provides for a loan from the United States to enable the cooperating States to set up their machinery, and I can assure the Members of the House that this loan will be speedily paid if you will give us the right asked under this legislation.

Mr. COOLEY. Mr. Chairman, I move that all debate on this section and all amendments thereto close in 5 minutes. The motion was agreed to.

Mr. SPENCE. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman and gentlemen of the Committee, a question has come to my mind which has not been discussed. That is, What weight should the request of a sovereign State that

comes here and asks permission to enter into a compact with other States have with this Congress? The purpose of the compact is for the general welfare of their people.

The provision in the Constitution, "No State shall without the consent of Congress enter into any agreement or compact with another State", should be read in connection with the context, which is as follows:

No State without the consent of Congress shall lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another State or with a foreign power or engage in war unless actually invaded or in such imminent danger as will not admit of delay.

Clearly the compact or agreement herein contemplated that the State may not enter into is one that might be contrary to a sound public policy. It is my opinion that if Congress approves the subject matter and general purpose and gives its consent to States to enter into a compact, the States are then at liberty to effectuate the purpose as they think proper, and it is unnecessary again to submit the compacts to Congress after they are made if they are within the purview of the consent given.

If there was no such provision as that under consideration, States might make such compacts as they pleased even to the extent of nullifying the Constitution itself.

The contingency stated is a very different matter from that in which the States are given the authority to enter into a compact for a purpose which if successful will be for the general welfare and which cannot result in any derogation of the powers of the National Government. Under our form of Government, which is one of delegated powers to the National Government, it seems eminently just and proper that when the States request the authority to enter into compacts which have for their purpose as contemplated by the States the general welfare and there is nothing objectionable in the purpose for which the compacts are made that the National Congress should grant the consent.

The right to enter into a compact is after all one of the reserved powers of the States, subject to the required consent of Congress.

In the case of *Virginia v. Tennessee* (148 U. S. 518) it was held that—the terms "compact" and "agreement" do not apply to every possible compact or agreement between one State and another for the validity of which the consent of Congress must be obtained, but the prohibition is directed to the formation of any combination tending to the increase of political power in the States which may encroach upon or interfere with the just supremacy of the United States (*Virginia v. Tennessee* (1843), 148 U. S. 518, 13 S. Ct. 728, 37 L. Ed. 537).

That is the philosophy of this provision of the Constitution. If the compact does not encroach upon the supremacy of the Federal powers, it seems to me it would be presumptuous in Congress to say to the States, "We cannot trust your judgment about this matter, and we do not intend to give you the power that you say is for the welfare of your people."

There is one thing certain, that the tobacco farmer came to penury and want, and the Triple A put him back where he could make a living for himself and family. I believe it is proper that the States should be allowed to work out their own problems.

How can you who talk about the concentration of power in Washington, when the States come and ask permission to solve their own problems for the welfare of their people, refuse them? I see no reason why anybody should vote against the bill, because I believe it is based upon fundamental principles and in accordance with the sound Democratic doctrine. [Applause.]

The Clerk read as follows:

SEC. 3. The Secretary is authorized to make advances from time to time, from the funds hereinafter provided, to the tobacco commission established by the State act of each State which enters into a compact or compacts under the consent given by this act in such amounts as the Secretary shall determine to be required for the payment of administrative expenses incurred by such commission, and under such terms and conditions with respect to the expenditure thereof as the Secretary shall stipulate: *Provided*, That each State act creating such commission shall

provide for the repayment to the Secretary of such advances from any funds received by the commission from the sale of marketing certificates with respect to tobacco, prior to the use of such funds for any other purpose.

Mr. BUCKLER of Minnesota. Mr. Chairman, I move to strike out the last word. As I have told you many times, I am a farmer, but perhaps it is not necessary to do so as you could perhaps tell by looking at me. Nevertheless, my friends, I am interested in the farmer, and it does not matter whether the farmer is in Kentucky, Virginia, or Minnesota. I believe this legislation is proper and would be of great benefit to many farmers and should be passed. [Applause.] I am a little sorry that my friend from Missouri, with his eloquence and ability to express his opinion, is not on the side of the farmers of this Nation. I am sure that he could be very helpful to the farmers if he would use his talent in the right way. [Applause.] My friend from Missouri spoke about coaxing chickens into the pen where he could wring their necks, but he undoubtedly has forgotten when Hoover enticed us farmers down the road and forced us to sell our produce for nothing. [Applause.] We did not wait for Hoover to wring our necks, but a great many of the farmers and others in this Nation committed suicide by jumping out of the window and others by taking the shotgun route rather than live under Hoover conditions. He speaks about catching a horse and putting him in a collar with one sore on his shoulder. I should like the gentleman to know that the horse was caught and had two sores on his shoulder when we were trying to beat this Hoover game. [Applause.]

I am surprised at some of you Republicans on this side, the way you talk and work against farm legislation. I have heard some of my colleagues say on this floor that they were against the farmers setting the price. Every other business in this Nation sets the price, and why should not the farmer have something to do with setting his price? The farmers cannot organize individually without some help. We have tried that for generations. We have to have some help from the Government or from the States before we can organize and have a decent price for what we produce. My friends on the Republican side are all good fellows individually, but politically they are on the wrong track. [Applause.] I know a great many of these Congressmen from the East. I can appreciate that they want us farmers to raise foodstuff for nothing, so that they can eat it at our expense. We are just about tired of producing for nothing. I have seen the farmer's wife and children go half clothed, and in some cases half fed as well, while these eastern plutocrats were rolling in fat down there when we were feeding them for nothing. [Applause.]

Mr. DUNCAN. Mr. Chairman, will the gentleman yield?

Mr. BUCKLER of Minnesota. Yes.

Mr. DUNCAN. The gentleman has referred to the gentleman from Missouri. Will the gentleman please identify the gentleman from Missouri?

Mr. BUCKLER of Minnesota. Oh, I believe the people back home should identify him, the way he is talking here on the floor. I think his name is recorded under the speech that he has made here a few minutes ago, and to which I am attempting to answer.

Mr. DUNCAN. The gentleman refers to my good friend DEWEY SHORT?

Mr. BUCKLER of Minnesota. I think I have a recollection of DEWEY SHORT, who has been talking here. [Applause.]

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. CONNERY. Mr. Chairman, I rise in opposition to the pro-forma amendment.

Mr. COOLEY. Mr. Chairman, I move that all debate upon this section and all amendments thereto close in 5 minutes. The motion was agreed to.

Mr. CONNERY. Mr. Chairman, I rise at this time to get a little information from the committee in reference to this bill. This refers, as I understand it, to the tobacco growers' compacts to be made between the States for the benefit of the tobacco growers. I ask the chairman of the committee,

How much of this land upon which they raise these tobacco crops is owned by the so-called trust, the big cigarette manufacturers?

Mr. CHAPMAN. Not any of it.

Mr. CONNERY. That is what I wanted to make clear, because I intend to vote for this proposition. I want to make it clear that we are voting for the poor farmer who is raising tobacco, and not for the Cigarette Trust and the exponents of small wages and long hours, whose code, when we had the N. R. A., was written by Clay Williams, for the benefit of the Cigarette Trust. This, as I understand it, is for the benefit of the farmers.

Mr. CHAPMAN. The land is owned entirely by individual farmers.

Mr. CONNERY. I am in favor of that sort of legislation, and now let me say to my good friend from Minnesota [Mr. BUCKLER], who referred to easterners who are living on the fat of the land while the farmer is getting nothing for his product, that up in my congressional district no one eats on the fat of the land. When the shoe workers in the city of Lynn and the textile workers in the city of Lawrence are not working they cannot buy the farmer's product or the product of anyone else, and the United States Government has not stepped in at any time to give them any aid.

Mr. KVALE. Then I will say to the gentleman from Massachusetts that he is a notable exception.

Mr. BUCKLER of Minnesota. The most I know about the people in the East living on the fat of the land is that last fall, when I went down to a hotel on Fifth Avenue, they were paying \$7 for a bed and \$1.50 for meals, and we farmers cannot do that, so I expect that they were living on the fat of the land.

Mr. CONNERY. I want to say to the gentleman from Minnesota [Mr. BUCKLER] that I intend to vote for this bill, which is for the benefit of the farmers, and I hope that when we come here some day with a bill asking for a 30-hour week, higher wages, and shorter hours, in order that the workers may be able to buy the products of the farmers, the gentleman will support us in that proposition.

Mr. BUCKLER of Minnesota. I have supported labor all through this Congress and I expect to keep on doing it. [Applause.]

Mr. CONNERY. That is what I wanted to hear the gentleman say. [Applause.]

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. CONNERY] has expired.

The Clerk read as follows:

Sec. 4. The Secretary shall, upon the request of the commission of any compacting State, designate such tobacco producers or other persons engaged in the tobacco industry and such officials of the United States Department of Agriculture as he deems advisable to meet with the tobacco commissions for the different States for the purpose of advising in connection with the administration of any compact or compacts entered into pursuant to this act.

Sec. 5. The Secretary, from the funds hereinafter provided, is authorized to make loans, upon terms and conditions stipulated by him, to such association of tobacco producers as may operate with respect to the 1936 crop in the Georgia Tobacco Belt, in a manner similar to that embodied in State acts providing for compacts under the consent given in this act.

With the following committee amendment:

Page 4, line 21, after the word "loans", insert "for administrative purposes."

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

The Clerk read as follows:

Sec. 6. The Secretary is hereby authorized, upon the request of the commission of any compacting State, to make available to the commission of any State such records and information, whether published or unpublished, and such facilities of the United States Department of Agriculture as the Secretary deems appropriate in aiding such commission.

With the following committee amendment:

Page 5, line 4, after the word "State", insert the words "or at the request of any association referred to in section 5."

Page 5, line 6, after the word "State", insert "or to any such association."

Page 5, line 10, after the word "commission", insert the words "or association."

The CHAIRMAN. The question is on the committee amendments.

The committee amendments were agreed to.

The Clerk read as follows:

SEC. 7. (b) Any advances or loans which are repaid to the Secretary by any commission pursuant to section 3 of this act shall be held in a special fund in the Treasury of the United States and shall be available until expended for the purpose of administering this act or until such time as the Secretary shall determine that all or any part of such funds will not be needed for such purpose, whereupon all or any part of such funds shall, upon approval by the Secretary, revert to the general fund of the Treasury of the United States.

Mr. MAPES. Mr. Chairman, a point of order. I desire to make a point of order against that paragraph.

Mr. JONES. We intend to offer an amendment striking out the appropriation.

Mr. MAPES. Mr. Chairman, I make a point of order against the paragraph. I do not care to argue it. It is conceded by the chairman of the committee, I think.

Mr. JONES. It is subject to a point of order.

The CHAIRMAN (Mr. MITCHELL of Tennessee). The Chair sustains the point of order.

Mr. COOLEY. Mr. Chairman, I offer an amendment, which is at the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. COOLEY: On page 5, after the word "association", in line 10, strike out all of section 7 and insert a new section, to be numbered section 7 and to read as follows:

"Sec. 7. (a) For the purpose of administering this act there is authorized to be appropriated to the Secretary of Agriculture the sum of \$300,000, or so much thereof as may be necessary, for that purpose.

"(b) Any advances or loans which are repaid to the Secretary by any commission or association pursuant to sections 3 and 5 of this act shall revert to the general fund of the Treasury of the United States."

Mr. MAPES. Mr. Chairman, I have no desire to discuss the amendment, but section 7 has been stricken out of the bill by the decision of the Chair and by the Speaker on yesterday, and I think the amendment to that extent should be corrected.

The CHAIRMAN. Without objection, the amendment will be so modified as to cover the same.

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina [Mr. COOLEY].

The amendment was agreed to.

The Clerk read as follows:

SEC. 8. All funds available for carrying out this act shall be available for allotment to the bureaus and offices of the Department of Agriculture and for transfer to such other agencies of the Federal or State governments as the Secretary may request to cooperate or assist in carrying out this act.

Mr. MAPES. Mr. Chairman, I desire to make a point of order against section 8 for the same reason as applied to section 7. The section makes available and transfers funds in the Treasury for a different purpose than that for which they have been appropriated, and I think under the precedents and decision of the Speaker and of the Chair it is subject to the same point of order as was raised to section 7.

If there is any question about the matter, I should like to call the attention of the Chair particularly to a precedent in the Sixty-seventh Congress, first session, page 4891, where somewhat similar language to this was passed upon by the Chairman of the Committee of the Whole at that time. The Democratic leader at that time, Mr. Garner, now Vice President, participated in the debate; also the gentleman from Ohio, Mr. Longworth, who was afterward Speaker of the House. It pertained to a bill to control the importation of dyes and chemicals, and a point of order was raised by the gentleman from Massachusetts, Mr. Walsh, against section 3 of that bill. Section 3 of the bill reads as follows:

That the appropriation "Collecting the revenue from customs, 1922", is hereby made available for the payment of salaries and all other expenditures incident to the operation of the Dye and Chemical Section, Division of Customs, Treasury Department, for the fiscal year ending June 30, 1922.

The gentleman from Ohio, Mr. Longworth, argued against the point of order. The gentleman from Texas, Mr. Garner,

spoke in favor of the point of order. I should like particularly to read what the gentleman from Texas said—I am quoting from the remarks of the gentleman from Texas on the point of order:

Mr. GARNER. Mr. Chairman, this case is undoubtedly on all fours with the pink-bollworm proposition. In that instance there was an appropriation of \$545,000 appropriated for the eradication of the pink bollworm. The Committee on Agriculture reported a provision authorizing a divergence of \$250,000 of that amount for a purpose not originally enumerated in the law, to wit, to pay for the use of land in the eradication of the pink bollworm. Now, the appropriation is already made, but this bill proposes to divert it for another purpose, and I do not think there is any doubt but under the logic of the Chair at the time, who held that the divergence of an appropriation already made was tantamount to making a new appropriation, that the point of order in this case is good because this does divert for another purpose than the appropriation already made.

Let us illustrate it, if the Chair please. Suppose you make an appropriation of \$10,000 for a purpose which would take only \$5,000. Then \$5,000 will be reverted to the Treasury. Now, it is contended that another committee other than the Appropriations Committee has authority to come in and divert the other \$5,000 for some other particular purpose. I think the logic of the Chair at the time he held the pink-bollworm diversion was not authorized under the rules of the House was good; and if it was, undoubtedly this is on all fours with it.

The Chairman of the Whole at that time, the gentleman from Kansas, Mr. Campbell, agreed with the reasoning of the gentleman from Texas, Mr. Garner, and sustained the point of order.

It seems to me the language in section 8 of the pending bill is equivalent to an express appropriation. It reads:

SEC. 8. All funds available for carrying out this act shall be available for allotment to the bureaus and offices of the Department of Agriculture and for transfer to such other agencies of the Federal or State governments as the Secretary may request to cooperate or assist in carrying out this act.

I call the Chair's attention to the fact that the fees paid by the handlers of tobacco for so-called marketing agreements under section 3 go into the Treasury of the United States and are a part of the funds referred to in this section. They would remain in the Treasury and not be available to the Secretary of Agriculture or to anyone except for the language in section 8.

The CHAIRMAN. Does the gentleman from Texas desire to be heard on the point of order?

Mr. JONES. I desire to be heard briefly, Mr. Chairman.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. JONES. Mr. Chairman, I submit the suggestion that by the provisions of the amendment to the previous section any advance or loans repaid to the Secretary by any commission, and so forth, shall revert to the Treasury of the United States; so the point of order made by the gentleman is not applicable. Section 7 (a) is where provision is made with reference to the funds mentioned in section 3. All that is involved in section 8 is the amount appropriated to the Secretary of Agriculture for administrative purposes, and this is merely a matter of allowing him to permit some other bureau assisting him to use the same fund. It is not a new appropriation, it is the same appropriation and it is for the same function, that of administration. It does not involve a new appropriation if a man's assistant spends the man's money helping him do the job. In fact, this involves no appropriation at all. It only refers to the use of funds authorized to be appropriated in a previous section—if and when such appropriation is made.

If the gentleman from Michigan will look at the previous section, he will find the funds mentioned in section 3, and the collections thereof revert to the Treasury automatically, under the amendment which we just adopted and which takes the place of the provision which was stricken out.

Mr. MAPES. Mr. Chairman, will the gentleman yield?

Mr. JONES. I yield.

Mr. MAPES. Will not the gentleman from Texas admit that section 8 might divert some of the funds which may be appropriated under the committee's substitute for section 7, which would not be so diverted except for section 8?

Mr. JONES. That would be true for any part of the funds that are appropriated there for administrative purposes but not for advances and loans, because subdivision (b) of

section 7 specifically eliminates all loans and advances and puts them back into the Treasury when they are repaid. So, by virtue of the limitation in section (b) this can apply only to administrative funds.

The CHAIRMAN. The point of order is raised against section 8 of the bill, which provides:

All funds available for carrying out this act shall be available for allotment to the bureaus and offices of the Department of Agriculture and for transfer to such other agencies of the Federal or State governments as the Secretary may request to cooperate or assist in carrying out this act.

As the Chair understands, this bill does not carry any appropriation—that part of the bill was stricken out on a point of order—and therefore there are no funds available so far as the bill stands at the present time.

The Chair therefore overrules the point of order.

The Clerk read as follows:

Sec. 9. If, pursuant to this act, any compact entered into among three or more of the States of Pennsylvania, Ohio, Wisconsin, and Connecticut, becomes effective, or if any association or associations are formed, the membership of which includes at least two-thirds of the producers of cigar-filler tobacco and cigar-binder tobacco in three or more of said States, commerce in cigar-filler tobacco produced in Puerto Rico shall be regulated during the period in which any such compact remains effective or such associations continue to operate, as follows:

(a) The Secretary shall determine for each crop year, by calculations from available statistics of the United States Department of Agriculture, the quantity of cigar-filler tobacco produced in the continental United States and Puerto Rico which is likely to be consumed in all countries of the world during such crop year, increased or decreased, as the case may be, by the amount by which the world stocks of cigar-filler tobacco (produced in the continental United States and Puerto Rico) at the beginning of such crop year are less than or greater than the normal stocks of such cigar-filler tobacco, as determined by the Secretary. For the purposes of this section, the Secretary shall specify as a "crop year" such period of 12 months as he deems will facilitate the administration of this section.

(b) The Secretary shall determine a marketing quota for Puerto Rico for cigar-filler tobacco for each crop year in which the provisions of this section are operative. Such quota shall be that quantity of cigar-filler tobacco which bears the same proportion (subject to such adjustment, which may be cumulative from one crop year to another, not exceeding 5 percent of said proportion in any 1 year, as the Secretary determines is necessary to correct for any abnormal conditions of production during the crop years 1933, 1934, and 1935 for trends in production during such crop years and for trends in consumption since such crop years) to the total quantity of cigar-filler tobacco produced in the continental United States and Puerto Rico and required for world consumption (as determined pursuant to paragraph (a) of this section) as the average production of cigar-filler tobacco in Puerto Rico in the crop years 1933, 1934, and 1935 bore to the average of the total production of cigar-filler tobacco in the continental United States and Puerto Rico in the crop years 1933, 1934, and 1935.

(c) The Secretary shall establish for each farm in Puerto Rico for each crop year a tobacco-marketing quota, giving due consideration to the quantity of cigar-filler tobacco marketed from the crops produced on such farm and by the operator thereof in past years; to the land, labor, and equipment available for production of tobacco on such farm; to the crop-rotation practices on such farm; and to the soil and other physical factors affecting production of tobacco on such farm: *Provided*, That the total of the marketing quotas established for all farms in Puerto Rico for any crop year shall not exceed the marketing quota for Puerto Rico for such crop year.

(d) The marketing quota established for Puerto Rico and the marketing quotas established for farms in Puerto Rico for any crop year pursuant to paragraphs (b) and (c) of this section shall be subject to such uniform adjustment during the crop year, not exceeding 10 percent of said quotas, as the Secretary shall determine to be necessary to establish and maintain normal world stocks of cigar-filler tobacco produced in the continental United States and Puerto Rico and otherwise to effectuate the purposes of this act.

(e) The Secretary shall, under such terms and conditions and in accordance with such methods as may be established in regulations prescribed by him, issue, to buyers or handlers of tobacco from any farm in Puerto Rico, marketing certificates for an amount of tobacco equal to the marketing quota established for such farm, and, for any tobacco marketed in excess of such quota for such farm, sell, to the buyer or handlers of such excess tobacco, marketing certificates for a charge equal to one-third of the current market value of such tobacco, and the Secretary may require the buyer or handler of such excess tobacco to deduct the charge for marketing certificates from the price or proceeds of or advances on such tobacco.

(f) From the proceeds received from the sale of marketing certificates pursuant to paragraph (e) of this section, the Secretary shall make payments to the producers of tobacco on farms in Puerto Rico from which the sales of tobacco, because of weather or diseases or loss by fire affecting the tobacco crops thereon adversely

during any crop year, are less than the marketing quotas for such farms for such crop year. Such payments shall be at a rate per pound of such deficit as shall be determined by dividing the funds remaining after deduction of such amount as the Secretary estimates to be necessary for the payment of administrative expenses incurred in administering the provisions of this section by the total number of pounds by which the sales of tobacco from all such farms fall below the marketing quotas for such farms.

(g) The action of any officer, employee, or agent in determining the amount of and in making any payment authorized to be made under this section shall not be subject to review by any officer of the Government other than the Secretary of Agriculture.

(h) The sale, marketing, purchase, or transportation of any cigar-filler tobacco produced, sold, or marketed in Puerto Rico during any period of time when this section shall be in effect is hereby prohibited unless a marketing certificate has been issued for such tobacco by the Secretary pursuant to the provisions of this act.

Mr. COCHRAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COCHRAN: Page 10, beginning in line 1, strike out all of subsection (g).

Mr. JONES. Will the gentleman yield?

Mr. COCHRAN. I yield to the gentleman from Texas.

Mr. JONES. I cannot see any objection to the gentleman's amendment, if no one wants to keep that language in.

Mr. SHORT. I am glad the committee accepts the amendment.

Mr. JONES. I am only expressing my own personal ideas, not speaking for the committee.

Mr. COCHRAN. Mr. Chairman, I ask for a vote on the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri [Mr. COCHRAN].

The amendment was agreed to.

Mr. CARPENTER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, since becoming a Member of Congress it has been my pleasure to do everything that I could for the benefit of agriculture and to support all measures that I thought would really be for the best interest of the farmers of this country. I recognize today, as I did when the first Kerr bill was presented to the House for consideration, that those Members of that particular part of the United States engaged in raising tobacco are moved by most sincere efforts to benefit the farmers they are representing. I appreciate that attitude. I expect if I came from that part of the United States and felt that the majority of the people wanted me to support such legislation in my representative capacity, I would do so. But I believe I would be remiss to my theory of government if I did not voice what I think are the objectionable features of this legislation.

I am opposed to it primarily because it is compulsory. I am opposed to any governmental compulsion in regard to business or agriculture. At the same time I wish to state that I was always a staunch supporter of the Agricultural Adjustment Act, known as the A. A. A. It was, in my opinion, as has been often stated, merely a farmer's tariff; however, I can see no relation between that legislation and the proposed legislation. The former was not compulsory, and I say this notwithstanding the Supreme Court's opinion, which I expect to hereafter refer to. It was a voluntary contractual relation for which the farmer received certain expressed consideration, all of which is foreign to the State statutes in question. And while it is merely my personal opinion, I do not believe that this administration is any more in favor of this proposed scheme than it was in favor of the Potato Act, which was passed the latter part of last session and had to be repealed at the beginning of this session. In the next place, as has been brought out here from time to time, I do not believe that the proposed laws, to be adopted by the various States to the compact in question, are constitutional; and, therefore, according to my way of thinking, we should not pass this act and thereby place our stamp of approval on such legislation.

Parts of the proposed act read as follows: Section 10 of the South Carolina bill contained in the committee hearings, commencing on page 26 of the hearings, and section 11 of the Virginia act found in the CONGRESSIONAL RECORD, commenc-

ing on page 5112 of the RECORD of this session, has the following provision:

The commission is authorized and directed: (a) To establish, in accordance with section 12 of this act, tobacco-marketing quotas for each kind of tobacco for individual farms within the State for each year. * * *

And the next section, being section 11 of the South Carolina act, and section 12 of the Virginia act, reads as follows:

(c) The tobacco base established for each farm, under paragraphs (a) and (b) of this section 12, shall be fair and reasonable for such farms as compared with the tobacco bases for other farms which are similar with respect to the following: The past production of tobacco on the farm and by the operator thereof, land, labor, and equipment available for the production of tobacco; the crop-rotation practices; and the soil and other physical factors tending to affect the production of tobacco.

(d) To the tobacco base established for each farm, pursuant to paragraphs (a), (b), and (c) of this section 12, there shall be applied the percentage which the marketing quota for the State is of the total of the tobacco bases for all farms in the State, and resulting figure shall be the marketing quota for the farm.

And the following section in part reads as follows:

Sec. 14. The commission is authorized and directed: (a) Upon application therefore by any producer, as defined in section 2 hereof, to issue to the buyer or handler who purchases or handles the tobacco, marketing certificates for an amount of tobacco not exceeding the marketing quota for the farm on which said tobacco is produced, or the quantity of tobacco marketed from the crop produced on such farm, whichever is the smaller.

And section 19 of the South Carolina and section 20 of the Virginia act reads as follows:

Any person violating any provision of this act, or any regulation of the commission shall be guilty of a misdemeanor, and upon conviction shall be fined a sum of not less than \$10 for the first offense, and not less than \$25 for each subsequent offense.

In other words, a commission can tell a farmer what he can raise and what he cannot raise; how much he can raise and how much he cannot raise. And the farmer, under such a law, would not know what day the sheriff might appear and drag him to jail for overproducing or overselling. To be governed by boards and commissions in regard to governmental matters is bad enough, but to have our private businesses ruled by such boards and commissions is objectionable; in fact, it is intolerable and opposed to the American system of government. And it is no less objectionable or less intolerable if the particular board or commission happens to be a State agency in the place of a Federal authority. According to my judgment, a State statute containing such provisions is squarely unconstitutional under that part of the fourteenth amendment of our Federal Constitution which reads as follows:

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

I do not believe that the Federal Government or the States have such authority to regulate by compulsion either business or agriculture. I do not believe we can do indirectly what we cannot do directly. The decision of the Supreme Court in the case of the United States of America, petitioner, against William M. Butler et al., receivers of Hoosac Mills Corporation, holding the Agricultural Adjustment Act invalid, seems to be generally interpreted to the effect that the States have the right to take action in regard to such regulation, but I do not think that that is a clear interpretation of this decision. I have studied the Supreme Court opinion, and I find nowhere in that decision the holding that it lies within the power of the State to pass such legislation as is here proposed. It does hold, as I interpret it, under the tenth amendment to the Constitution, that the Federal Government does not have any such authority. It is stated in that opinion that such powers as are not granted to the Federal Government under the Constitution are reserved to the States or to the people. What does that mean? It means those powers are reserved to the States or to the people to grant to the Federal Government. That is the way I interpret the decision.

If such statutes are unconstitutional and therefore the compact authorized in this act voided, why should it be

passed in the first instance? It will ultimately be set aside by the court of last resort, but in the meantime, when attempting to put it into operation, it will merely add confusion and dissension to the business in question and also set a bad precedent in the field of legislation.

I notice from the provisions of the proposed State acts that they are operative upon enactment, but become ineffective with respect to any kind of tobacco in the next succeeding crop year, providing more than one-third in a referendum vote against continuance of the act. In other words, there is no direct referendum in respect to the original operation, but its future depends upon whether it meets with the approval of two-thirds of the producers. This calls to my mind that in the last session of Congress the gentleman from New York [Mr. WADSWORTH] suggested that it was a Fascist idea that the majority of persons engaged in a business may employ the force of government to compel the minority to do as the majority wishes. Fifty-one percent, he said, according to this philosophy of the persons engaged in a business, be it farming or anything else, under the Fascist idea, may with the support of the government or its bureaucracies enact and enforce a law governing the conduct of business and compel the 49 percent to live a life decreed by the 51 percent, and by his remarks raised the question as to whether such philosophy was desirable in this country. Personally, I do not believe that it is. As I recall history it has been some pioneer or other who departed from the beaten tracks who discovered new worlds and opened up a new life and new freedom and new methods of business, which if he had been restricted by a 51-percent or 75-percent vote would never have been brought forth.

We all know of many instances where someone has determined that the orthodox method could be improved upon and the exception that he created later became the adopted rule of the majority. We all believe in rule by the majority in regard to governmental matters, but the very government that is established by the majority at the same time insures the rights of the minority. If we depart from this theory of our Government, it will be doubtful whether we can avoid a dictatorship or something even worse in this country.

Jefferson believed that the stability and future of this country was firmly attached to agriculture, and he made this statement in his first inaugural address: "Still one thing more, fellow citizens—a wise and frugal government, which shall restrain men from injuring one another, which shall leave them otherwise free to regulate their own pursuits of industry and improvement, and shall not take from the mouth of labor the bread it has earned. This is the sum of good government, and this is necessary to close the circle of our felicities." Jefferson also said if we should wander from the creed of our political faith in moments of error or of alarm that we should hasten to retrace our steps and regain the road which alone leads to peace, liberty, and safety.

The Clerk read as follows:

Sec. 10. Any receipts by the Secretary under section 9 of this act shall be held in a separate fund and used by the Secretary for the purpose of paying administrative expenses and expenditures incurred or made in connection with section 9 of this act.

Sec. 11. If any provisions of this act, or the application thereof to any person or circumstance, shall be held invalid, the validity of the remainder of the act and the application of such provision to other persons or circumstances shall not be affected thereby.

Sec. 12. The Secretary shall prescribe such rules and regulations as he may deem necessary to carry out the provisions of this act.

Mr. WARREN. Mr. Chairman, under the previous agreement we were to return to section 1.

The CHAIRMAN. The Clerk will report the amendment to section 1.

The Clerk read as follows:

Amendment offered by Mr. DUNCAN: On page 2, line 15, after the comma, insert the following: "or by any other State or States producing any type or types of tobacco referred to in said act"

Mr. BOILEAU. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I do not like to prolong debate on this matter, because I stated my position a little while ago. I stated at that time that if this amendment is adopted it would add to the constitutional difficulties, and I have not been

convinced to the contrary. Of course, I may be in error, but it seems to me that the adoption of this amendment might result in the acts being held unconstitutional.

I want to point out one matter for the general information of the House with reference to the effect of this legislation. There are various types of tobacco produced in the United States. Down around Kentucky, Virginia, North and South Carolina, and Georgia they produce flue-cured tobacco, burley tobacco, and fire-cured tobacco. I believe those are the principal types. Those are the types referred to in the Virginia act. In other words, this legislation provides that with reference to those types of tobacco the States may enter into these compacts without further action on the part of Congress. Any State which produces the type of tobacco referred to in the Virginia act may enter into a compact and have it effective without further action on the part of the Congress.

There is another type of tobacco produced in this country and it is quite generally produced in a different section of the country. We have the so-called cigar-wrapper and cigar-filler types of tobacco produced largely in Connecticut, Pennsylvania, Ohio, and Wisconsin.

The only difference in this bill as to the treatment of those particular States and the more favored States is that we hereby give full carte-blanche authority to any State producing the type of tobacco raised in the South to enter into compacts which become effective without further action on the part of Congress. With reference to the type of tobacco produced in the North, we provide that those States can go ahead and negotiate a compact, but before it is effective they must come back here for our consent or ratification. The people in the cigar-type section of the country have not had an opportunity to discuss this matter, and they have not formulated a program. They do not know whether they want compacts or not, for the simple reason they have not given it any thought or consideration. I am wondering if this House of Representatives again wants to go on record in the legislative history of this session of Congress by saying that Southern States can enter into compacts without further consent of Congress, even though some of those States have not heretofore given any consideration to this type of legislation, and at the same time provide that the States of Pennsylvania, Ohio, Connecticut, and Wisconsin must come back and get the consent of Congress to a compact before it can become effective.

Mr. HAINES. Mr. Chairman, will the gentleman yield?

Mr. BOILEAU. I yield to the gentleman from Pennsylvania.

Mr. HAINES. Has the gentleman received any information from his constituents on this bill?

Mr. BOILEAU. No; I have not any information one way or the other, and I should very much like to have information and should be pleased to yield in my time to the distinguished gentleman from Pennsylvania, who understands the problems of the cigar-type of tobacco as well as anybody in this House, to get his viewpoint on it.

Mr. HAINES. Mr. Chairman, I have not heard a word from my people back home on this proposal, and I am somewhat up in the air about it.

Mr. BOILEAU. I may say to the gentleman that in my opinion this bill would not affect the type of tobacco produced in those States.

Mr. HAINES. I am confident it will not.

Mr. BOILEAU. And for that reason I am inclined to support the bill, but I think the amendment adds to the constitutional difficulties presented by the bill.

Mr. O'MALLEY. Mr. Chairman, will the gentleman yield?

Mr. BOILEAU. I yield.

Mr. O'MALLEY. Does the gentleman consider that this lack of consideration for all the States would act as a discrimination against the Northern States and that they would have to come back here and get a ratification of their compact, while the Southern States would not have to do so?

Mr. BOILEAU. That is the way it works out, but I may say to the gentleman, in order to be absolutely fair about the proposition, that I do not think there is any sentiment

at the present time in the Northern States for such a compact.

[Here the gavel fell.]

Mr. JONES. Mr. Chairman, I do not have any tobacco in the section I represent. There has been no disposition whatever to make this a sectional matter by anybody on the committee, and I know the gentleman from Wisconsin [Mr. BOILEAU] does not intend to intimate as much.

The only reason this particular type of contract or compact is exempted from the requirement of ratification is because the people who live in these particular areas have drawn up in so many words just what they want. Naturally, we should know what we give consent to. We give consent to any State that wants to follow just what we have looked at here. If these other people from other areas of the country want a measure and will go just as far as these people have gone, I do not believe there is a man in the House who would not be willing to grant consent if the terms are reasonable and do not tend to injure the people of any other State.

At first, we practically determined to write into the bill that all of these negotiations should require ratification. It was discovered that if we were going to do anything this year in reference to the flue-cured tobacco of these areas it would be necessary to secure early action, and since we knew just what they were going to do and what they wanted it seemed we might make an exception as to them. As to the other types that the gentleman refers to, if they can use this character of bill they can come in under the proposed legislation.

Mr. BOILEAU. Mr. Chairman, will the gentleman yield?

Mr. JONES. I yield.

Mr. BOILEAU. I am sure the gentleman will agree that there is no possibility of a compact being entered into which can be effective this year with reference to any other type of tobacco except flue-cured.

Mr. JONES. I think that is probably true, although I do not know. I am not tobacco man enough to know and I would rather these other gentlemen would answer that.

Mr. BOILEAU. Does not the gentleman recall the fact that in the committee it was made very clear by the Representatives from Kentucky, and the other States, that there would not be any possibility of those States entering into a burley program this year?

Mr. VINSON of Kentucky. We are trying to do that.

Mr. BOILEAU. The Members from the other States gave us every reason to believe that there would not be a burley compact this year.

Mr. VINSON of Kentucky. There may not be, but we are trying to do so.

Mr. O'MALLEY. Mr. Chairman, will the gentleman yield?

Mr. JONES. I yield.

Mr. O'MALLEY. How would it affect the bill if the door were left open to the other States to enter into compacts without any further ratification?

Mr. JONES. The door is open now, as long as they follow the lines of this bill. The only way there is any limitation, even by implication, is the fact that the growers of some other types of tobacco might want an entirely different bill, and, of course, we would not want to give our consent in advance to that.

Mr. O'MALLEY. Under this bill the door is closed to any other type of bill without further ratification.

Mr. JONES. Without further ratification, any type of tobacco can come in, if they will follow this plan.

Mr. BOILEAU. I think the gentleman is in error. I believe the bill limits these compacts to the types of tobacco referred to in the Virginia act, which are fire-cured, flue-cured, and burley tobacco.

Mr. JONES. I think the gentleman is correct. However, I am sure that if a reasonable program is fashioned the consent would probably be granted.

I repeat that I am not sure of the wisdom of legislation that is contemplated by the States that may be affected by this statute, but certainly in the light of the decision of the

Supreme Court it comes strictly under the head of the business of those States.

There may be some question as to the legality of what the States are trying to do, but the attorneys general of the various States, so I am informed, believe in and back this bill.

Inasmuch as we do not undertake to pass on the interstate feature in any sense but merely give consent, I do not believe that it is proper for me to match what little study and judgment I might have against those who want to deal with their problem that comes under the jurisdiction of those States.

The CHAIRMAN. All time has expired. The question is on the amendment offered by the gentleman from Missouri.

The question was taken; and on a division (demanded by Mr. BOILEAU) there were 81 ayes and 35 noes.

So the amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee will rise.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. MITCHELL of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee had had under consideration the bill (H. R. 12037) relating to compacts and agreements among States in which tobacco is produced, providing for the control of production of, or commerce in, tobacco in such States, and for other purposes, and, pursuant to House Resolution 476, he reported the bill back to the House with sundry amendments adopted in Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered. Is a separate vote demanded on any amendment?

Mr. BOILEAU. I ask for a separate vote on the amendment offered by the gentleman from Missouri [Mr. DUNCAN].

The SPEAKER. Is a separate vote demanded on any other amendment? If not, the Chair will put them en bloc.

The other amendments were agreed to.

The Clerk read as follows:

Page 2, line 5, after the comma, insert the following: "or by any other State or States producing any type or types of tobacco referred to in said act."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. BOILEAU) there were 87 ayes and 52 noes.

So the amendment was agreed to.

The bill was ordered to be engrossed and read a third time and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. MARTIN of Massachusetts) there were 106 ayes and 54 noes.

Mr. MARTIN of Massachusetts. Mr. Speaker, I object to the vote on the ground that there is no quorum present.

The SPEAKER. Evidently there is no quorum present, and the Clerk will call the roll.

The question was taken; and there were—yeas 190, nays 116, answered "present" 2, not voting 121, as follows:

[Roll No. 59]

YEAS—190

Ayers	Cochran	Doxey	Gray, Pa.
Bankhead	Coffee	Drewry	Green
Barden	Colden	Driver	Greenway
Barry	Colmer	Duffy, N. Y.	Greenwood
Beiter	Connerly	Duncan	Greever
Biermann	Cooley	Dunn, Pa.	Gwynne
Bland	Cooper, Tenn.	Eckert	Haines
Blanton	Costello	Edmiston	Hamlin
Bloom	Cox	Elcher	Hancock, N. C.
Boehne	Cravens	Faddis	Harlan
Boileau	Creal	Farley	Hildebrandt
Boykin	Cross, Tex.	Ferguson	Hill, Ala.
Brooks	Crowe	Fitzpatrick	Hill, Samuel B.
Brown, Ga.	Cullen	Flannagan	Hook
Buchanan	Cummings	Fletcher	Houston
Buck	Curley	Ford, Calif.	Imhoff
Buckler, Minn.	Daly	Ford, Miss.	Johnson, Okla.
Burch	Darden	Frey	Johnson, Tex.
Cannon, Mo.	Deen	Fuller	Johnson, W. Va.
Cartwright	Dempsey	Fulmer	Jones
Castellow	Dingell	Gambrill	Keller
Chandler	Dobbins	Gasque	Kennedy, Md.
Chapman	Dockweller	Gildea	Kerr
Clark, Idaho	Dorsey	Goldsborough	Kloeb
Clark, N. C.	Doughton	Gray, Ind.	Kopplemann

Kramer
Kvale
Lambeth
Lanham
Larrabee
Lea, Calif.
Lee, Okla.
Lesinski
Lewis, Colo.
Lewis, Md.
McClellan
McCormack
McFarlane
McGrath
McSwain
Mahon
Maloney
Mansfield
Martin, Colo.
Mason
Massingale
Maverick
May

Meeks
Merritt, N. Y.
Miller
Mitchell, Tenn.
Murdock
Nelson
O'Connell
O'Connor
O'Leary
O'Neal
Owen
Parsons
Patman
Patterson
Pearson
Peterson, Fla.
Peterson, Ga.
Pettengill
Pfeifer
Pierce
Polk
Rabaut
Ramsay

Ramspeck
Rankin
Reilly
Robertson
Rogers, Okla.
Russell
Ryan
Sanders, Tex.
Sandlin
Schaefer
Scott
Scrugham
Sears
Secrest
Shanley
Shannon
Smith, Conn.
Smith, W. Va.
Spence
Stack
Starnes
Stubbs
Tarver

Taylor, Colo.
Terry
Thom
Thomason
Thompson
Tolan
Turner
Umstead
Vinson, Ga.
Vinson, Ky.
Warren
Weaver
West
White
Whittington
Wilcox
Williams
Wilson, La.
Wood
Woodrum
Zimmerman

NAYS—116

Amle
Andresen
Andrew, Mass.
Andrews, N. Y.
Arends
Ashbrook
Bacharach
Bacon
Binderup
Blackney
Boylan
Brewster
Burdick
Burnham
Carlson
Carpenter
Casey
Cavichchia
Celler
Church
Cole, Md.
Cole, N. Y.
Collins
Cooper, Ohio
Crawford
Crosser, Ohio
Crowther
Culkin
Darrow

Delaney
Dickstein
Dirksen
Ditter
Dondero
Doutrich
Ekwall
Ellenbogen
Engel
Evans
Flesinger
Focht
Gehrman
Gifford
Gilchrist
Gillette
Goodwin
Griswold
Guyer
Halleck
Hancock, N. Y.
Hart
Harter
Higgins, Mass.
Hoffman
Holmes
Hope
Huddleston
Hull

Jacobson
Kenney
Kinzer
Kniffin
Knutson
Lamneck
Lehlbach
Lemke
Luckey
Ludlow
McLean
McLeod
Main
Mapes
Marcantonio
Marshall
Martin, Mass.
Merritt, Conn.
Millard
Moran
Mott
Norton
O'Day
O'Malley
Peyser
Pittenger
Plumley
Powers
Ransley

ANSWERED "PRESENT"—2

Christianson Kahn

NOT VOTING—121

Adair
Allen
Beam
Bell
Berlin
Boland
Bolton
Brennan
Brown, Mich.
Buckbee
Buckley, N. Y.
Bulwinkle
Caldwell
Cannon, Wis.
Carmichael
Carter
Cary
Citron
Claiborne
Corning
Crosby
Dear
DeRouen
Dies
Dietrich
Disney
Driscoll
Duffey, Ohio
Dunn, Miss.
Eagle
Eaton

Englebright
Fenerty
Fernandez
Fish
Gassaway
Gavagan
Gearhart
Gingery
Granfield
Gregory
Hartley
Healey
Hennings
Hess
Higgins, Conn.
Hill, Knute
Hobbs
Hoeppel
Hollister
Jenckes, Ind.
Jenkins, Ohio
Kee
Kelly
Kennedy, N. Y.
Kleberg
Kocialkowski
Lambertson
Lord
Lucas
Lundeen
McAndrews

McGehee
McGroarty
McKeough
McLaughlin
McMillan
McReynolds
Mead
Michener
Mitchell, Ill.
Monaghan
Montague
Montet
Moritz
Nichols
O'Brien
Oliver
Palmsano
Parks
Patton
Perkins
Quinn
Randolph
Rayburn
Reed, Ill.
Richards
Robinson, Utah
Rogers, N. H.
Romjue
Sabath
Sadowski

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Kleberg (for) with Mr. Snell (against).
Mr. Healey (for) with Mr. Christianson (against).
Mr. McMillan (for) with Mrs. Kahn (against).
Mr. Richards (for) with Mr. Wigglesworth (against).
Mr. Cary (for) with Mr. Hollister (against).
Mr. Gregory (for) with Mr. Stewart (against).
Mr. Bulwinkle (for) with Mr. Hess (against).
Mr. Snyder of Pennsylvania (for) with Mr. Jenkins of Ohio (against).
Mr. Kocialkowski (for) with Mr. Seger (against).
Mr. Hennings (for) with Mr. Michener (against).

Mr. Kelly (for) with Mr. Higgins of Connecticut (against).
 Mr. Dunn of Mississippi (for) with Mr. Reed of Illinois (against).
 Mr. Adair (for) with Mr. Allen (against).
 Mr. Smith of Virginia (for) with Mr. Eaton (against).
 Mr. Lucas (for) with Mr. Hartley (against).
 Mr. McGehee (for) with Mr. Thomas (against).
 Mr. Schuetz (for) with Mr. Maas (against).
 Mr. Nichols (for) with Mr. Tinkham (against).
 Mr. Brown of Michigan (for) with Mr. Lord (against).
 Mr. O'Brien (for) with Mr. Bolton (against).
 Mr. McAndrews (for) with Mr. Perkins (against).

General pairs:

Mr. Rayburn with Mr. Wadsworth.
 Mr. Parks with Mr. Lambertson.
 Mr. Oliver with Mr. Gearhart.
 Mr. Eagle with Mr. Carter.
 Mr. Gavagan with Mr. Mitchell of Illinois.
 Mr. Steagall with Mr. Englebright.
 Mr. Sullivan with Mr. Fenerty.
 Mr. Granfield with Mr. Fish.
 Mr. McReynolds with Mr. Schneider of Wisconsin.
 Mr. Montague with Mr. Lundeen.
 Mr. Mead with Mr. Wearin.
 Mr. Montet with Mr. Beam.
 Mr. Taylor of South Carolina with Mr. Buckley of New York.
 Mr. Patton with Mr. Randolph.
 Mr. Claiborne with Mr. Gassaway.
 Mr. Smith of Washington with Mr. Boland.
 Mr. Dies with Mr. Utterback.
 Mr. Romjue with Mr. Cannon of Wisconsin.
 Mr. McKeough with Mr. Dietrich.
 Mr. Sisson with Mr. Caldwell.
 Mr. Quinn with Mr. Bell.
 Mr. Gingery with Mr. Werner.
 Mr. Moritz with Mr. Zioncheck.
 Mr. Duffey of Ohio with Mr. McLaughlin.
 Mr. Disney with Mr. Schulte.
 Mr. Carmichael with Mr. Kee.
 Mr. Berlin with Mr. Walgren.
 Mr. Monaghan with Mr. Fernandez.
 Mr. Sumners of Texas with Mr. Dear.
 Mr. Crosby with Mr. Brennan.
 Mr. DeRouen with Mr. Driscoll.
 Mr. Kennedy of New York with Mr. Walter.
 Mrs. Jenckes of Indiana with Mr. Hobbs.
 Mr. Rogers of New Hampshire with Mr. Sanders of Louisiana.
 Mr. Wheelchel with Mr. Sirovich.
 Mr. Sadowski with Mr. Palmisano.

Mrs. KAHN. Mr. Speaker, I have a pair with the gentleman from North Carolina, Mr. McMILLAN. I withdraw my vote of "no" and vote "present."

Mr. PETTENGILL. Mr. Speaker, I change my vote from "no" to "aye."

Mr. CHRISTIANSON. Mr. Speaker, I am recorded as voting "no." I have a pair with the gentleman from Massachusetts, Mr. HEALEY, and I withdraw my vote of "no" and answer "present." If Mr. HEALEY were present, he would vote "aye."

Mr. HAINES. Mr. Speaker, my colleagues from Pennsylvania, Mr. DRISCOLL and Mr. GINGERY, are detained at departments downtown. If present, they would vote "aye."

Mr. FERGUSON. Mr. Speaker, my colleague from Oklahoma, Mr. NICHOLS, is unavoidably absent. If present, he would vote "aye."

Mr. JOHNSON of Oklahoma. Mr. Speaker, my colleague from Oklahoma, Mr. GASSAWAY, is ill. If present and permitted to vote, he would vote "aye."

Mr. MAPES. Mr. Speaker, my colleague from Michigan, Mr. MICHENER, is absent on account of illness. If present, he would have voted "no."

The result of the vote was announced as above recorded.

A motion to reconsider the vote by which the bill was passed was laid on the table.

LOBBYING ACTIVITIES

Mr. MILLER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 11663) to require reports of receipts and disbursements of certain contributions, to require the registration of persons engaged in attempting to influence legislation, to prescribe punishments for violation of this act, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The Clerk will report the Senate amendments.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

"That any person who shall engage himself for pay, or for any consideration, to attempt to influence legislation, or to prevent legislation, by the National Congress, or to influence any

Federal bureau, agency, or Government official, or Government employee, to make, modify, alter, or cancel any contract with the United States Government, or any United States bureau, agency, or official, as such official, or to influence any such bureau, agency, or official in the administration of any governmental duty, so as to give any benefit or advantage to any private corporation or individual, shall before entering into and engaging in such practice with reference to legislation as herein set out register with the Clerk of the House of Representatives and the Secretary of the Senate, and shall give to those officers his name, address, the person, association, or corporation, one or more, by whom he is employed, and in whose interest he appears or works as aforesaid. He shall likewise state how much he has been paid, and is to receive, and by whom he is paid, or is to be paid, and how much he is to be paid for expenses, and what expenses are to be included, and set out his contract in full.

"Sec. 2. Any person, before he shall enter into and engage in such practices as heretofore set forth, in connection with Federal bureaus, agencies, governmental officials, or employees, shall register with the Federal Trade Commission giving to the Federal Trade Commission the same information as that required to be given to the Clerk of the House and Secretary of the Senate in section 1 of this act.

"Sec. 3. At the end of each 3-month period, each person engaged in such practices as aforesaid shall file, either with the Federal Trade Commission or the Clerk of the House or the Secretary of the Senate, as required herein, a detailed report of all moneys received and expended by him during such 3-month period in carrying on his work as aforesaid, to whom paid, and for what purpose, and the names of any papers, periodicals, or magazines in which he has caused any articles or editorials to be published.

"Sec. 4. All reports required under this bill shall be made under oath, before an officer authorized by law to administer oaths.

"Sec. 5. Any person who may engage in the practices heretofore set out without first complying with the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than \$5,000 or imprisonment for not more than 12 months, or by both such fine and imprisonment.

"Sec. 6. Any person who shall make a false affidavit, where an affidavit is required in this act, shall be guilty of perjury and upon conviction shall be punished by imprisonment for not more than 2 years.

"Sec. 7. A new registration shall be required each calendar year on or before January 15."

Amend the title so as to read: "An act to require registration of persons engaged in influencing legislation or Government contracts and activities."

The SPEAKER. The gentleman from Arkansas asks unanimous consent to take from the Speaker's table the bill H. R. 11663, disagree to the Senate amendments, and ask for a conference. Is there objection?

Mr. MARTIN of Massachusetts. Mr. Speaker, I reserve the right to object. Is this the so-called Black lobbying bill?

Mr. MILLER. This is the bill as amended by the Senate. The Senate simply struck out all of the House bill and inserted the so-called Black bill.

Mr. MARTIN of Massachusetts. And at the present time it is practically a new bill?

Mr. MILLER. It is a new bill.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER appointed the following conferees: Mr. WEAVER, Mr. MILLER, Mr. CELLER, Mr. WALTER, Mr. HESS, and Mr. GUYER.

MONSIGNOR TIMOTHY DEMPSEY

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent to proceed for 3 minutes to make an announcement.

The SPEAKER. Is there objection?

There was no objection.

Mr. COCHRAN. Mr. Speaker, Mgr. Timothy Dempsey, known throughout the Nation as "Father Tim", died in St. Louis Sunday night. The passing of a clergyman is ordinarily of local concern, but, Mr. Speaker, in this instance the last call comes to a man who during his lifetime set an example that might well be followed by others in large communities throughout our land.

"Father Tim" came to St. Louis from Ireland many years ago. When he became pastor of St. Patrick's Church in downtown St. Louis he founded a home for workingmen also known as Father Dempsey's Hotel. This was in 1906. This was followed by a home for working women. Then a convalescent home for sick women unable to be employed, a home for colored men, an emergency free lunchroom, a day nursery where women could leave their children while at work, and finally an organization known as the White Cross

Crusade, which had as its purpose the prevention of tuberculosis in underprivileged children. The emergency free lunchroom was established in 1931, and since the date of opening official statistics show that over 7,000,000 free meals have been served to deserving people—black, white, Catholic, Protestant, and Jew.

His charities were supported by the good people of St. Louis and our businessmen and our women, regardless of creed, never said "No" when "Father Tim" would call them over the telephone and say, "I need \$25 or \$50 from you this month."

Our business houses, starting with the packers and bakers, were daily contributors.

Over 6 feet 2 inches, weighing well over 200 pounds, "Father Tim" was a commanding figure as he walked through the crowds that flocked to his places for assistance daily. He always had a word of good cheer and one of his favorite expressions was "Never mind; times will be better."

When all others failed "Father Tim" stepped in and settled numerous labor disputes in our city.

"Father Tim's" charities and his institutions were successful solely because of his personal supervision and the loyal support he received from the citizens of the St. Louis community. Only the Archbishop of St. Louis can say whether they will be continued.

Just think, Mr. Speaker, of one individual being responsible for the supervision of charities, one of which alone has furnished 7,000,000 free meals to unfortunate people and you will realize the enormity of his undertaking.

While "Father Tim" thought of the unfortunate during his or her lifetime, he did not even forget them in death, for he established an "exiles' rest" in one of our leading cemeteries, and he saw to it that his unfortunate friends who stayed at his institutions received a decent burial and a last resting place. At his request he was buried along with his friends in "exiles' rest."

The example set by this good man will live long in the memories of the people of St. Louis, and while we all realize it will be a most difficult task to carry on his activities I am sure every effort will be made by the archbishop to do so.

EXTENSION OF REMARKS

Mr. COOLEY. Mr. Speaker, I ask unanimous consent that all Members who spoke on the bill, H. R. 12037, have 5 legislative days within which to extend their own remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

COMMANDER PERCY TODD

Mr. BLOOM. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 11053) authorizing the President to present the Distinguished Service Medal to Commander Percy Tod, British Navy, and the Navy Cross to Lt. Comdr. Charles A. deW. Kitcat, British Navy, with a Senate amendment thereto, and concur in the Senate amendment.

The SPEAKER. The Clerk will report the Senate amendment.

The Clerk read as follows:

Line 4, strike out "Tod" and insert "Todd."

Amend the title so as to read: "An act authorizing the President to present the Distinguished Service Medal to Commander Percy Todd, British Navy, and the Navy Cross to Lt. Comdr. Charles A. deW. Kitcat, British Navy."

The SPEAKER. Is there objection?

There was no objection.

The Senate amendments were agreed to.

A motion to reconsider was laid on the table.

PERMISSION TO ADDRESS THE HOUSE

Mr. SHANNON. Mr. Speaker, I ask unanimous consent that on Monday next, after the reading of the Journal, disposition of matters on the Speaker's table, and the special order, I may be permitted to address the House for 30 minutes on the anniversary of the birthday of Thomas Jefferson.

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The SPEAKER. Is there objection to the request of the gentleman from Missouri?

Mr. RICH. Reserving the right to object, Mr. Speaker, I will not object to the gentleman from Missouri making an address on Thomas Jefferson, but I wonder whether the people of St. Louis are going to be opposed to that \$30,000,000 to erect a memorial to Thomas Jefferson when they already have one, and whether the gentleman can satisfy the people of this country that we should build these two great memorials in St. Louis to Thomas Jefferson.

The SPEAKER. Is there objection to the request of the gentleman from Missouri [Mr. SHANNON]?

There was no objection.

EXAMINATION OF NUECES RIVER IN TEXAS

Mr. WEST. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 11006) providing for the examination of the Nueces River in the State of Texas for flood-control purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, this bill has been before the committee and has the unanimous report of the committee?

Mr. WEST. Yes. I have a report from the War Department also.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized and directed to cause a preliminary examination of the Nueces River in the State of Texas, with a view to the control of its floods, in accordance with the provisions of section 3 of an act entitled "An act to provide for control of the floods of the Mississippi River and of the Sacramento River, Calif., and for other purposes", approved March 1, 1917, the cost thereof to be paid from appropriations heretofore or hereafter made for examinations, surveys, and contingencies of rivers and harbors.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended so as to read: "A bill providing for the examination of the Nueces River and its tributaries in the State of Texas for flood-control purposes."

RENEWAL OF BADGE OF UNITED STATES DAUGHTERS OF 1812

Mr. TERRY. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 11562) to renew patent no. 25909, relating to the badge of the United States Daughters of 1812.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, I understand this is a regularly reported bill from the committee?

Mr. TERRY. This bill has been unanimously reported by the Committee on Patents.

Mr. LANHAM. Mr. Speaker, will the gentleman yield?

Mr. TERRY. I yield.

Mr. LANHAM. This is merely following up a policy which has been adopted generally that these patriotic orders which have a badge distinctive of their order should be permitted to keep it beyond the patent period. For instance, the Daughters of the American Revolution have it, as well as various other organizations. This simply allows them to keep their badge beyond the patent period.

Mr. MARTIN of Massachusetts. Are there any of the girls of 1812 left? [Laughter.]

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Clerk read the bill as follows:

Be it enacted, etc., That a certain design patent issued by the United States Patent Office of date August 11, 1896, being patent no. 25909, is hereby renewed and extended for a period of 14 years

from and after the passage of this act, with all the rights and privileges pertaining to the same as of the original patent, being generally known as the badge of the United States Daughters of 1812.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

THE ALLOCATION OF RELIEF COSTS BY THE F. E. R. A. AND EMERGENCY RELIEF EXPENDITURES

Mr. BACON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein three tables.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BACON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following remarks, including tables showing, first, the allocation of relief costs by the F. E. R. A.; second, emergency-relief expenditures.

THE ALLOCATION OF RELIEF COSTS BY THE F. E. R. A.

In the Federal Emergency Relief Act of 1933—act of May 12, 1933; Public, No. 15—which was entitled "An act to provide for cooperation by the Federal Government, the several States and Territories, and the District of Columbia in relieving the hardship and suffering caused by unemployment, and for other purposes", it was stated in section 4 (a):

Out of the funds of the Reconstruction Finance Corporation made available by this act, the Administrator is authorized to make grants to the several States to aid in meeting the costs of furnishing relief and work relief and in relieving the hardship and suffering caused by unemployment in the form of money, service, materials, and/or commodities to provide the necessities of life to persons in need as a result of the present emergency, and/or to their dependents, whether resident, transient, or homeless.

This act gave the Administrator unlimited discrimination in allocating grants. But from the act it would appear that the main responsibility for relief rested upon the States; the Federal Government only assumed a secondary responsibility.

Mr. Roosevelt, in interpreting this section, said as follows:

The Emergency Relief Act is an expression of the Federal Government's determination to cooperate with the States and local communities with regard to financing the emergency-relief work. The Federal Emergency Relief Administration has acted on the principle that it means just that. It is essential that the States and local units of government do their fair share. They must not expect the Federal Government to finance more than a reasonable proportion of the total. (Statement at a conference of Governors and State emergency relief administrators June 14, 1933.)

That is a statement of policy. How has that policy been administered? Or, in other words, how has a fair share or reasonable proportion of the burden been determined in the case of each individual State? The Federal Emergency Relief Administration in its report to the Senate Committee on Appropriations, in response to Senate Resolution No. 115, Seventy-fourth Congress, first session, printed in Senate Document No. 56 of the same Congress, made a statement which purports to be an explanation of the method by which available funds were allocated as between the several States. The Assistant Administrator of the F. E. R. A., Mr. Corrington Gill, asserted that the bulk of the various factors taken into consideration in the effort to arrive at a determination of the grants to each State can "properly be included under four broad classifications":

First, it would be necessary to take into account the need for relief. We know that this item varies widely from State to State and from community to community. In April 1934, for example, when 14 percent of the population of continental United States was receiving public relief, percentages ranged from 4 percent of the population in Vermont to 35 percent in North Dakota. Obviously, the burden of caring for one-third of the population of a State is an enormously greater strain on its financial resources than is the burden of caring for one twenty-fifth of its people. To grasp the significance of this variation it need only be recalled that, all other things being equal, the larger the proportion of population in need of relief the smaller the group left to supply the necessary financial resources.

Second, due weight must be given to the relative abilities of the political units to finance relief. Economic capacities vary to an extreme degree. In some instances States and their political subdivisions are already in poor financial condition and are, there-

fore, unable to provide additional funds. Then again there are some States where economic capacity is adequate but where it cannot be employed because of constitutional and statutory limitations either on the levying of taxes or the incurrence of debt, or the performance of service. Where these constitutional or statutory restrictions are obstacles in the way of the provision of relief funds, taxpayers in other States have a right to expect the removal of such limitations. Unfortunately the revision of constitutions and statutes is a lengthy process, and in the meantime the needy unemployed must be cared for.

Third, proper attention should be given to the relative amounts spent by the political units for public-welfare purposes other than direct relief. Their significance is obvious. Those activities frequently reduce the necessity for direct relief.

Fourth, geographical variations in living standards and relief costs, as well as weather and seasonal factors, must be considered in arriving at any available and fair conclusion on the amount of participation by the Federal Government in helping meet the relief needs of the various States. It should not be forgotten that in general States and localities appropriate a given sum of money to be used during the given period of time. Thus the amount is inflexible and there is small opportunity to increase the amount by legislative action between sessions of the legislative bodies. Furthermore, the Federal Government endeavors to grant to the States an amount equal to the difference between the State's ability to finance relief as indicated by their relief appropriations and their need from month to month as indicated by the relief-case load. Thus changing economic factors from month to month make it necessary for the Federal Government to change its policy as regards grants to any particular State without being able to plan its exact participation a year in advance. An unusually severe winter or a summer drought may change the relief load beyond any possibility of human forecast.

The Assistant Administrator went on to say:

Although the foregoing are the most important of the factors used in measuring the ability of the States and localities to finance unemployment relief, there are other more practical and less academic items which have, in some cases, made it difficult to secure adequate financial participation, such as the unwillingness of some governors to call special sessions of the State legislatures, the lack of responsibility or the presence of political factionalism which may prevent legislative action, and in a few cases perhaps the unwillingness of the people dominating the political scene to go on record as favoring the raising of funds for the relief of their unemployed. The Federal Emergency Relief Administration has consistently followed the policy of exerting all the legitimate pressure which it could properly bring to bear without causing undue suffering to the unemployed themselves who are not responsible for the attitude of those determining the fiscal policies of States or localities (pp. 641, 642).

In answer to one of the specific questions asked in the resolution which elicited this document—What cooperation or assistance was required in the several States to which appropriations or allotments were made?—the Administrator presented an extended discussion of the various factors affecting the financial ability of the States, but in concluding that discussion he stated:

It should be clearly understood that these suggested quotas constituted only a basis of negotiation with the governors and legislative bodies of the several States. In each instance there were discussions between the State executives and the relief Administrator or the field representatives of the Administrator, and the final quota urged upon each State represented a meeting of the minds between the Administrator and the Governor of the State concerned (p. XIV, Senate Doc. No. 56).

In the previously mentioned memorandum presented by Mr. Gill, the second item, the ability of the States to pay, is the one that comes in for the most extended discussion. The Administrator indicated that the studies of financial ability being carried on by his research division were organized along three lines: First, they constructed a composite index number, representing the economic capacity of each State; second, they made a case study of the individual States, modifying their relative positions in the above index on the basis of additional information; third, they estimated the yield in each State of a model tax system.

What went into this above-mentioned index number of the economic capacity of the States? According to the Administrator, the following components were utilized: Gainful workers, 1930; national income, 1929; manufacturing output, 1931; mining output, 1932; and agricultural output, 1933; retail sales, 1933; spendable money income, 1933; net wholesale sales, 1933; Federal income-tax receipts, 1933-34; savings deposits as of July 1, 1933; passenger-car registra-

tions, 1933; State and local governmental cost payments, 1932; State and local revenue receipts, 1932; assessed valuation, 1932; net governmental debt, 1932; estimated taxable wealth, 1931.

The Administrator stated:

The total of each of these items was distributed among the several States on the percentage basis reported for each. Certain of these factors were then weighted so as to give them greater value than to others. For example, retail sales was considered three times as important as governmental debt. The result was a final index of the percent of economic capacity which was assumed to lie in each State.

A total proposed contribution of \$300,000,000, \$400,000,000, and \$500,000,000 was then distributed according to those percentages. If a State had been badly damaged by drought or its known low economic capacity was generally recognized, the allocation was made according to the \$300,000,000 total. If, on the other hand, States were known to be wealthy and to have suffered relatively less than others from the depression, they were placed in the \$500,000,000 group. The balance of the States were placed in the \$400,000,000 group and tentative quotas assigned accordingly (p. XII).

The components of the index of the capacity of the States to pay represent a number of diverse and, in some cases, overlapping measures of various segments of the economic structure of the several States: For example, if you include national income in an index, there would hardly seem to be justification for also including in the same index spendable money income or, for that matter, Federal income-tax receipts. Or, again, there does not seem to be any particular justification for including both estimated taxable wealth and savings deposits and assessed valuation in the same index number. Likewise any figures for State and local government cost payments might be expected to be very close to figures for State and local government revenue receipts.

A more serious problem arises if you try to justify the inclusion of figures for government debt as a measure of the economic capacity or the relative economic position of the several States. After all, the figure for government debt in a particular instance may well be a function of certain accidents of political management or local theories of financing government improvements without any connection, therefore, between the amount of debt any particular jurisdiction has incurred and its economic capacity.

And what about the weight assigned to the various constituent elements of the index in the effort to get a composite index which should be a measure of the capacity of the States to pay? The report is certainly most obscure, and one is inclined to believe intentionally so on the matter of weighting. The one illustration of actual weights used is that retail sales was considered three times as important as the Government debt. But why three times? Why not 5 times, or why not 10 times? There is nothing in the report to justify that particular weighting.

As was stated in the last quotation, on the basis of an assumed total contribution from the States aggregating \$300,000,000, \$400,000,000, and \$500,000,000, an allocation among the States on the basis of this index was worked out. The shares of the individual States were determined on the basis of their relative position in the composite index of capacity to pay. The report goes on to say:

If a State had been badly damaged by drought, or its known low economic capacity was generally recognized, the allocation was made according to the \$300,000,000 total.

If, on the other hand, States were known to be wealthy and to have suffered relatively less than others from the depression, they were placed in the \$500,000,000 group. The balance of the States were placed in the \$400,000,000 group (p. XII).

What was the measure of the fact that a State had been badly damaged by drought? That is to say, what standard was there by which it could be determined that State "A" was badly damaged by drought and therefore should be asked for a relatively small contribution, whereas State "B" was not badly damaged and therefore a larger contribution should be requested from it? One may well ask also what standards were used in determining what "States were known to be wealthy"?

The above quotation gives rise to a very pertinent inquiry. If States were known for their low economic capacity or for their wealth in advance of these studies, then why should there be all of this complicated mathematical mechanism to arrive at an index of capacity to pay? If it is necessary to compute an index of capacity to pay, then there can be no justification for predicting adjustments on the basis of low economic capacity or of high economic capacity that is supposed to be shown from other unreported sources. This procedure would seem to have all the earmarks of a statistical support for a previously arrived at conclusion. This can hardly be said to be scientific.

The second group of procedures used in determining financial ability is a case study of the condition of each State. In beginning the discussion of the case study the report states:

It is unfortunate that accurate data on wealth and income for the Nation and its subdivisions are not available. The inadequacy of these criteria used for determining tax capacity are freely admitted. Certainly they are estimates, rather than the result of actual enumeration; the significance of particular items and of weighting may be a matter of individual opinion; and the resulting ranking of the States in ability is indicative and relative, rather than absolute. Accordingly, an effort was made to check the results of the foregoing method by a case examination of each State, considering an additional number of criteria of financial conditions, including crops, benefit payments, bank resources, automobile purchases, tax delinquencies, estimated severity of drought, condition of State finances, revenue system, etc. (p. XII).

According to the report—

The States were then arranged in six groups. Tentative quotas were assigned to each group, beginning with \$6 per capita, or 2 percent of total retail sales, in the first group and ranging to \$1 per capita, or 1 percent of retail sales, in the lowest group (p. XIII).

The text gives no clue as to how the six groups were formed or as to how the values attached to each one were arrived at.

In actuality all this case study does is to go through the same process that was followed in the construction of the index number, except a few more miscellaneous items and subdivisions of the original data are included. As to what is gained by the case study it is difficult to say, except that it adds confusion to the entire issue.

The report then takes up the third procedure for determining financial ability—the yield of a model tax system as applied to all States.

As a further check on the tentative quotas already set up, an effort was made to apply certain reasonable rates of taxation to the existing values, estimated personal income, estimated business income, value of natural resources, etc., as known for each State. These hypothetical tax rates were applied in accordance with the recommendations of the special committee of the National Tax Association made up of tax officials and recognized economists. The result showed possible tax collections under this method of a total of \$4,825,000,000. Ten percent of this total was approximately the figure arrived at, as a minimum total to be asked of the several States, and tentative quotas were assigned accordingly (p. XIV).

The Administrator does not reveal how they determined that 10 percent of State and local tax income should be devoted to relief.

This model tax system that was applied to all States was composed of the following taxes: Real property, \$20 per \$1,000 of full value; severance on gas and oil, 2 percent on gross value; personal income, progressive rates, varying from 1 to 6 percent; corporate income, 4 percent; inheritance taxes are so arranged as to make maximum use of the rebates allowed to States; gasoline, 4 cents per gallon; licensing of motor vehicles according to the New York State rates; and a sales tax of 1 percent. This tax scheme is not described in the document; its content is derived from other sources. It should be noted that both the tax on gasoline and the fees for motor-vehicle licenses can hardly be called taxes based upon ability to pay; they are quite distinctly benefit taxes. It seems rather strange that a 1-percent sales tax was included in the scheme. The sales tax is highly regressive, and it will fall most heavily upon the class of people who are receiving relief.

The report proceeds:

From the foregoing it will be noted that four independent estimates of the economic capacity of each State were made: One, by 10 weighted indices of economic ability; two, by estimated economic groups related to retail sales; three, by estimated economic groups related to purchases; four, by application of uniform tax rates to estimated taxable wealth and income (p. XIV).

The report admits that—

These tentative quotas were determined independently of each other, and from them a fifth quota was made, which was believed to represent a reasonable request that might be made upon each government. These quotas were then modified by taking into consideration the constitutional limits upon taxation, existing revenue systems, State and local debt, defaults on bonds, Treasury condition, public attitude toward various types of taxation, the contributions that have been made by the State during the past 2 years for relief. Also consideration was given to the attitude toward relief and the per-family cost of relief. For example, a State with a relatively good economic condition and with a high standard of relief measured in dollars per family per month might be expected to contribute more generously than a State with a lower standard, where the Federal contribution would be small even if it constituted a larger percentage of the total (p. XIV).

In the paragraph just quoted from the Administrator's report reference is made to a quota which was believed to represent a reasonable request that might be made upon each State government. Nothing is said, however, as to what standard of reasonableness was set up or what factors went into the determination of what amounted to a reasonable request in any particular case. Then these "reasonable requests" were further adjusted to put a premium on the existence of archaic tax systems in any particular State. Those States which had continued to go along with an outmoded system of taxation were rewarded insofar as they were given the benefit of consideration on that score and the amount that was asked from them was correspondingly reduced; whereas those States which had made a decent and honest effort to meet the responsibilities that rightly and justly were theirs by altering their system of taxation in accordance with new ideas were penalized insofar as their requested contributions were relatively increased.

Some of the inequalities that result from this confused and hit-or-miss basis of allocation are clearly set forth in the accompanying table. A comparison has been made between certain measures of ability to pay and the proportion contributed by State and local governments to total relief expenditures during the period from January 1, 1933, through the end of September 1935. The period selected is a fair test of the operation of the system insofar as the burden of relief expenditures began to decline measurably in the latter part of 1935, due to the introduction of the works-progress program.

The ranking of the States in proportion to their contribution to their total relief costs have been compared with their rank in per capita wealth on the latest available date (1929); their rank in per capita net income on the last date for which there are any scientific figures (1929); and their rank in per capita taxpaying ability according to the only scientific study that has been prepared to date (1930).

The index of the taxpaying ability of the States has been taken from a study made by Prof. Mabel Newcomer, of Vassar College, for the Columbia University Council on Research in the Social Sciences, which has been published under the title, "An Index of the Taxpaying Ability of State and Local Governments (1935)." This index was constructed by applying a model tax system to each of the States and determining the yield from each of the component taxes. The following taxes are used in the system: Real property, \$20 per \$1,000 of full value; severance tax, 2 percent gross on oil and gas; personal income, which varies from 1 percent to 6 percent; business net income, 4 percent on corporations and 2 percent on unincorporated enterprises; the incorporation of business enterprises, five-tenths of 1 percent of the value of the stock; stock transferred, four-hundredths of 1 percent of the value of the stock; liquor, varies from 3½ cents per gallon of beer

to \$1 per gallon of whisky; and a progressive tax on inheritances ranging from 1 percent to 10 percent.

This particular measure of the taxpaying ability of State and local governments seems to be superior to that used by the F. E. R. A. in the following respects: The F. E. R. A. model tax system includes a 1-percent sales tax which is clearly regressive—that is, it would fall most heavily on people in the lower income groups—for example, people on relief; the F. E. R. A. system also includes gasoline and motor vehicle taxes which are not predicated on ability to pay, but on benefits.

Examination of the attached table reveals that certain States bear a higher percent of the costs of relief than their financial position, as measured by these three indexes would warrant. For example, the State of Maine has paid 48.7 percent of the total costs of relief in that State. It stands fourth in the list of States according to the percent of costs of relief that were borne by the State and it stands thirty-second in terms of taxpaying ability, twenty-fourth in terms of income, and thirty-second in terms of wealth. The case of Vermont may also be cited. It stands eighth in terms of relief costs borne by the State, but it stands thirty-sixth according to its taxpaying ability, twenty-fifth according to income, and thirty-fifth according to wealth. It would seem from a consideration of this table that there is a good cause for believing that Rhode Island, New Hampshire, and Indiana have also been treated in a discriminatory manner.

From a perusal of this table it also appears that certain States were especially favored in the allocation of relief funds; that is, they have not been required to bear as large a share of their relief costs as their financial position would warrant. For example, Nevada only assumed 9.4 percent of the cost of relief in that State. It is ranked thirty-eighth in the list of States according to the percentage of the cost borne by the State, but it ranked second in terms of taxpaying ability, seventh in terms of income, and first in terms of wealth. The case of Wyoming might also be cited. This State stands thirty-ninth in terms of the percent of the cost of relief borne by the State, but it stands eighth in terms of taxpaying ability, sixteenth in terms of income and second in terms of wealth. From the data presented in the attached table it would appear that the following States also received special benefits in the distribution of relief funds: Oregon, Arizona, Montana, and New Mexico.

Comparison of State and local contributions to emergency relief, with indexes of taxpaying ability of States

State	Emergency relief expended from State and local funds January to September 1935	Rank in percent of relief expended from State and local funds	Rank in per-capita wealth ¹ (1929)	Rank in per-capita personal income ² (1929)	Rank in per-capita taxpaying ability ³ (1930)
	Percent				
Delaware.....	60.0	1	31	2	1
Rhode Island.....	59.6	2	23	10	11
Connecticut.....	56.1	3	9	5	6
Maine.....	48.2	4	32	24	32

¹ Data from CONGRESSIONAL RECORD, Jan. 30, 1936, p. 1228. The period covered by this data is believed to be most representative of what took place during the life of F. E. R. A., since it covers practically the whole period in which extensive grants were made. Shifting of the load to W. P. A. began in the fall of 1935, with the result the total expenditures for emergency relief declined from \$188,571,767 in May 1935 to \$70,555,119 in December 1935. The proportionate contribution by the Federal Government declined due to the fact the W. P. A. attempted to care for all employables.

² Based on National Industrial Conference Board estimates.

³ Based on Brookings estimate in America's Capacity to Consume, p. 173.

⁴ This is taken from Mabel Newcomer, An Index of the Taxpaying Ability of State and Local Governments, New York (1935), p. 59. This index was constructed by applying a model tax system to each of the States and determining the yield from each of the component taxes. The taxes used in the system are as follows: Real property, \$20 per \$1,000 of full value; severance tax, 2 percent gross on oil and gas; personal income, rates vary from 1 to 6 percent; business net income, 4 percent on corporations and 2 percent on unincorporated enterprises; the incorporation of business enterprises, 0.5 of 1 percent of value of stock; stocks transfer, 0.04 of 1 percent of value of stock; liquor varies from 3½ cents per gallon of beer to \$1 per gallon of whisky; and a progressive tax on inheritances ranging from 1 to 10 percent. This model tax system is practically the same as one developed by a committee of the National Tax Association.

Comparison of State and local contributions to emergency relief, with indexes of taxpaying ability of States—Continued

State	Emergency relief expended from State and local funds January to September 1935	Rank in percent of relief expended from State and local funds	Rank in per-capita wealth (1929)	Rank in per-capita personal income (1929)	Rank in per-capita taxpaying ability (1930)
	Percent				
Massachusetts.....	47.8	5	16	9	9
New Hampshire.....	46.2	6	18	23	30
New York.....	45.8	7	22	1	3
Vermont.....	42.9	8	35	25	36
Iowa.....	41.0	9	5	35	12
California.....	33.5	10	28	4	7
Indiana.....	33.5	11	29	27	31
New Jersey.....	30.9	12	21	6	5
Pennsylvania.....	28.0	13	19	13	19
Maryland.....	27.6	14	33	14	23
Michigan.....	26.7	15	34	11	15
Kansas.....	26.7	16	15	30	22
District of Columbia.....	25.6	17	10	3	4
Wisconsin.....	25.6	18	30	21	25
Illinois.....	24.8	19	25	8	10
Nebraska.....	23.6	20	6	32	17
Minnesota.....	22.1	21	12	26	24
Missouri.....	22.1	22	27	22	28
Ohio.....	21.9	23	24	15	18
Texas.....	21.5	24	40	33	38
Utah.....	20.1	25	17	29	29
Oregon.....	19.9	26	8	17	14
Washington.....	19.3	27	13	12	16
Colorado.....	15.9	28	20	20	21
Idaho.....	15.3	29	7	28	26
Arizona.....	14.8	30	14	18	20
Oklahoma.....	13.4	31	42	34	37
Kentucky.....	13.3	32	46	42	43
North Dakota.....	12.6	33	11	39	34
Montana.....	11.9	34	4	19	13
West Virginia.....	10.7	35	26	36	33
Virginia.....	10.1	36	36	41	40
South Dakota.....	9.8	37	3	38	27
Nevada.....	9.4	38	1	7	2
Wyoming.....	7.3	39	2	16	8
Tennessee.....	6.8	40	39	43	41
Alabama.....	5.1	41	48	45	47
Georgia.....	5.0	42	47	44	46
Florida.....	3.8	43	38	31	35
Arkansas.....	3.6	44	45	47	45
North Carolina.....	3.3	45	43	46	42
New Mexico.....	3.1	46	37	37	39
Louisiana.....	3.1	47	41	40	44
Mississippi.....	2.6	48	49	48	49
South Carolina.....	1.9	49	44	49	48

Per-capita measures of taxpaying ability

State	Per-capita wealth (1929) ¹	Per-capita personal income (1929) ²	Per-capita taxpaying ability (1930) ³
Alabama.....	\$1,264	\$330	\$11
Arizona.....	3,686	728	37
Arkansas.....	1,557	304	13
California.....	3,093	1,065	53
Colorado.....	3,418	697	37
Connecticut.....	3,890	1,005	55
Delaware.....	3,056	1,311	390
District of Columbia.....	3,849	1,233	66
Florida.....	2,029	537	28
Georgia.....	1,528	341	12
Idaho.....	4,119	614	35
Illinois.....	3,227	990	46
Indiana.....	3,082	618	31
Iowa.....	4,617	500	42
Kansas.....	3,626	569	36
Kentucky.....	1,536	401	16
Louisiana.....	1,858	433	14
Maine.....	2,910	642	31
Maryland.....	2,804	798	36
Massachusetts.....	3,562	973	49
Michigan.....	2,795	871	41
Minnesota.....	3,731	626	36
Mississippi.....	1,242	279	10
Missouri.....	3,131	653	35
Montana.....	4,755	705	42
Nebraska.....	4,241	535	40
Nevada.....	6,318	995	141
New Hampshire.....	3,440	650	32
New Jersey.....	3,415	1,000	58
New Mexico.....	2,300	467	22
New York.....	3,276	1,365	79

¹ National Industrial Conference Board estimates.

² Brookings data, America's Capacity to Consume, p. 173.

³ Mabel Newcomer, An Index of the Taxpaying Ability of State and Local Governments, p. 54.

Per-capita measures of taxpaying ability—Continued

State	Per-capita wealth (1929)	Per-capita personal income (1929)	Per-capita taxpaying ability (1930)
North Carolina.....	\$1,731	\$312	\$16
North Dakota.....	3,803	438	28
Ohio.....	3,250	798	40
Oklahoma.....	1,803	501	24
Oregon.....	4,084	751	41
Pennsylvania.....	3,425	816	40
Rhode Island.....	3,251	880	45
South Carolina.....	1,593	259	19
South Dakota.....	4,964	451	35
Tennessee.....	1,909	351	20
Texas.....	1,906	523	24
Utah.....	3,505	598	34
Vermont.....	2,637	636	28
Virginia.....	2,347	431	21
Washington.....	3,699	829	40
West Virginia.....	3,143	487	29
Wisconsin.....	3,073	696	36
Wyoming.....	5,227	789	50

EMERGENCY RELIEF EXPENDITURES

The attached table gives, by States, expenditures under the emergency-relief program during the calendar year 1935. In the table the contributions from Federal funds, contributions from State and local funds, as well as the total expenditures in each State, have been presented.

There is likewise a statement of the number of families on relief during July 1935, as reported by the F. E. R. A., and, based on our estimates of the number of families in each State July 1, 1935, there has been calculated a statement of the percent of all families in each of the several States that were on relief during July 1935.

Several important and necessary qualifications must be made of the latter percentage figures as they now stand. In the first place, the concept "family", as reported to the Relief Administration, varies among the several States. Likewise a definition of what is involved when any such family is considered on relief is determined under State law. Therefore, on the basis of any information that has been available to us, it is impossible to make any generalization as to what constitutes a family for use in connection with relief statistics or, further, what precisely is involved, statistically speaking, to be included as being on relief.

In the absence of any accurate knowledge on either of these two subjects, the last group of columns in the accompanying table which gives expenditures of relief funds by sources for each family on relief in the several States must be used with extreme caution. It will not do to say directly that in California, for example, the expenditures per relief family were \$762 and that in Nevada they were \$164 per relief family, representing outrageous discrimination in favor of California residents as against those in Nevada. The reason this cannot be done—to emphasize what has been said above—is that a family on relief, as tabulated in California statistics, is probably not at all the same thing as a family on relief as reported in the statistics for the State of Nevada.

It is therefore urged upon anyone using these figures to bear closely in mind that there are great limitations, due to lack of comparability of data for the several States. While attention may be called to the fact that on the basis of available statistics it would seem that families in State A obtained a great deal more than families in State B, such comparisons should be used only in an effort to discover wherein lies the source of this divergency.

That is to say, one might suggest to take the illustration above, that residents of California seem to get a great deal more than the residents of Nevada; and it would be desirable to discover exactly how much of this discrepancy is due to statistical accident and how much of the difference between the two States represents a justifiable distinction on the basis of varying economic conditions.

Expenditures under the F. E. R. A. program, Jan. 1-Dec. 31, 1935—Federal, State, and local expenditures for relief

State	(1) Estimated population July 1, 1935 ¹	(2) Estimated number of families July 1, 1935 ²	(3) Number of families on relief July 1, 1935 (actual) ³	(4) Percent of all families that were on relief (column 3 ÷ column 2)	(5) F. E. R. A. grants (Federal emergency relief) ⁴	(6) State and local funds for emergency relief ⁵	(7) Total emergency relief expenditures (column 5 + column 6)	(8) Percent of total relief expenditures from Federal funds (column 5 ÷ column 7)	(9) Federal funds per family on relief (column 5 ÷ column 3)	(10) State and local funds per family on relief (column 6 ÷ column 3)	(11) Total emergency relief expenditures per family on relief (column 7 ÷ column 3)
				Percent			Percent				
Alabama	2,723,000	623,000	61,938	9.9	\$17,331,528	\$1,415,819	\$18,747,347	92.4	\$280	\$23	\$303
Arizona	461,000	116,000	16,026	13.8	6,902,827	923,138	7,825,965	88.2	431	58	488
Arkansas	1,880,000	456,000	52,719	11.6	16,942,786	583,955	17,526,741	96.7	321	11	332
California	6,254,000	1,834,000	169,371	9.2	91,687,753	37,439,023	129,126,776	71.0	541	221	762
Colorado	1,060,000	282,000	37,868	13.4	19,755,146	2,384,603	22,139,749	89.5	522	63	585
Connecticut	1,664,000	414,000	35,556	8.6	12,884,036	12,347,306	25,231,342	51.1	362	347	710
Delaware	248,000	63,000	3,492	5.5	642,928	569,738	1,212,666	53.0	184	163	347
District of Columbia	449,000	119,000	11,487	9.7	6,982,540	2,144,076	9,126,616	76.5	608	187	795
Florida	1,596,000	421,000	48,165	11.4	14,494,534	913,052	15,407,586	94.1	301	19	320
Georgia	2,911,000	669,000	54,757	8.2	20,343,180	1,307,361	21,650,541	94.0	372	24	395
Idaho	449,000	112,000	13,397	12.0	6,234,540	1,373,972	7,608,512	82.0	465	103	568
Illinois	7,926,000	2,064,000	277,016	13.4	100,502,123	22,421,473	122,923,596	81.8	363	81	444
Indiana	3,317,000	887,000	91,430	10.3	22,769,124	11,958,169	34,727,293	65.6	249	131	380
Iowa	2,488,000	658,000	37,075	5.6	12,392,639	7,525,674	19,918,313	62.2	334	203	537
Kansas	1,910,000	509,000	53,881	10.6	21,696,007	6,782,246	28,478,253	76.2	403	126	529
Kentucky	2,666,000	638,000	97,774	15.3	15,972,497	2,823,104	18,795,601	85.0	163	29	192
Louisiana	2,179,000	516,000	48,370	9.4	18,560,428	919,131	19,479,559	95.3	384	19	403
Maine	806,000	208,000	20,972	10.2	5,659,233	4,449,745	10,108,978	56.0	270	212	482
Maryland	1,679,000	407,000	29,153	7.2	14,383,874	2,540,448	16,924,322	85.0	493	87	581
Massachusetts	4,352,000	1,075,000	155,074	14.4	67,159,620	38,061,564	105,221,184	63.8	433	245	679
Michigan	5,143,000	1,289,000	137,246	10.6	49,892,324	16,559,105	66,451,429	75.1	364	121	484
Minnesota	2,610,000	635,000	66,329	10.4	34,435,134	9,976,515	44,411,649	77.5	519	151	670
Mississippi	2,067,000	498,000	37,773	7.6	12,713,575	928,374	13,641,949	93.2	337	25	361
Missouri	3,688,000	983,000	110,655	11.3	32,151,020	9,944,742	42,095,762	76.4	291	90	380
Montana	538,000	141,000	17,959	12.7	9,085,409	736,051	9,821,460	92.5	506	41	547
Nebraska	1,398,000	358,000	28,809	8.0	12,971,001	2,863,465	15,834,466	81.9	450	99	550
Nevada	95,000	28,000	1,693	6.0	2,308,553	487,891	2,796,444	83.1	136	276	412
New Hampshire	471,000	124,000	10,738	9.0	2,159,299	3,447,233	5,606,532	38.5	201	321	522
New Jersey	4,269,000	1,070,000	123,190	12.0	45,724,549	16,907,538	62,632,087	73.0	371	137	508
New Mexico	440,000	105,000	24,700	23.5	7,718,337	427,272	8,145,609	94.7	312	17	330
New York	13,153,000	3,390,000	439,094	13.0	172,306,206	136,338,032	308,644,238	55.8	392	310	703
North Carolina	3,327,000	692,000	56,384	8.1	16,294,426	4,458,558	20,752,984	99.7	289	1	290
North Dakota	689,000	150,000	27,072	18.0	11,860,493	1,875,884	13,736,377	86.3	438	69	507
Ohio	6,874,000	1,804,000	247,616	13.7	85,397,724	12,339,620	97,737,344	87.4	345	50	395
Oklahoma	2,491,000	602,000	93,150	15.5	19,439,486	2,242,088	21,681,574	89.7	209	24	233
Oregon	997,000	288,000	21,095	7.3	9,104,956	3,118,078	12,223,034	74.5	432	148	580
Pennsylvania	9,865,000	2,349,000	373,387	16.0	163,647,051	49,360,849	213,007,900	76.8	438	132	570
Rhode Island	708,000	175,000	15,914	9.1	3,038,140	5,642,163	8,680,303	35.0	191	355	545
South Carolina	1,752,000	377,000	34,965	9.3	12,449,258	327,752	12,777,010	97.4	356	9	365
South Dakota	708,000	169,000	19,002	11.2	12,020,466	1,314,544	13,335,010	90.1	633	69	702
Tennessee	2,688,000	632,000	65,070	10.3	16,486,435	1,668,713	18,155,148	90.8	253	26	279
Texas	6,123,000	1,490,000	133,709	9.0	39,320,117	5,991,406	45,311,523	86.8	294	45	339
Utah	522,000	1,222,000	20,642	1.7	8,267,073	2,308,885	10,575,958	78.2	400	112	512
Vermont	361,000	92,000	6,809	7.4	1,739,661	935,204	2,694,865	65.3	258	137	396
Virginia	2,451,000	548,000	45,279	8.3	13,357,218	811,509	14,168,727	94.3	295	18	313
Washington	1,617,000	453,000	49,575	10.9	16,687,670	4,198,572	20,886,242	79.9	337	85	421
West Virginia	1,798,000	398,000	76,768	19.3	17,679,605	3,028,196	20,707,801	85.4	230	39	270
Wisconsin	3,018,000	751,000	73,042	9.7	35,231,996	13,964,227	49,196,223	71.6	482	191	674
Wyoming	233,000	61,000	4,150	6.8	3,173,941	296,413	3,470,354	91.5	765	71	836
Total Continental United States ⁶	127,521,000	31,908,000	3,677,337	11.5	1,359,978,466	466,952,476	1,826,930,942	74.4	370	127	497

¹ Obtained by adding to the official census estimate of population in each State on July 1, 1934, an amount equal to the net change in the population in that State between July 1, 1933 and July 1, 1934, as shown in estimates of the Bureau of the Census (Statistical Abstract 1935, p. 9). This procedure assumes, therefore, that the population in each State increased over 1934 by the same amount that it increased in 1934 over 1933.

² Obtained by dividing the estimated population in each State by an estimate of the average number of persons per family in that State. The average population per family in the United States in 1930 was 4.1, but this figure has been decreasing by $\frac{1}{10}$ of a unit per decade since 1890, and it seems reasonable on the basis of the assumption that this decrease is continuing to reduce the 1930 figure by $\frac{1}{10}$ in connection with the 1935 estimated population. This procedure has been used for each State, the 1930 figure for the average number of persons per family in the State being reduced by $\frac{1}{10}$ for use with the 1935 estimated population in that State.

³ F. E. R. A., Division of Research, Statistics and Finance, release of Sept. 30, 1935.

⁴ F. E. R. A., Division of Research, Statistics and Finance, release of Mar. 18, 1936, no. 8579, which states that these figures include "Obligations incurred for relief extended under the general relief program, under all special programs, and for administration; these figures also include purchases of materials, supplies and equipment, rentals of equipment (such as team and truck hire), earnings of nonrelief persons employed and other expenses incident to the emergency work relief program."

It should, however, be noted that the expenditures under the Works Programs (W. P. A.) are not included. Before July 1, 1935, the F. E. R. A. program attempted to provide for both employables and unemployables. A transfer of employables to the Works Program began July 1, 1935, so that the expenditures for emergency relief declined from \$188,571,767 in May 1935 to \$70,555,119 in December 1935.

⁵ State funds only; no local funds.

⁶ Local funds only; no State funds.

⁷ Less than.

⁸ United States figures calculated on basis of official estimate of United States population and family estimate based on assured continental United States, average of 4.0 persons per family. The percentage of families on relief for United States, and the per-family figures in the final columns are all based on continental United States figures rather than being averages of figures for individual States.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. GAVAGAN, indefinitely, on account of official business.

To Mr. KNUTE HILL, indefinitely, on account of illness in his family.

To Mr. McGRATH, indefinitely, on account of important business.

To Mr. MICHENER (at the request of Mr. MAPES), on account of illness.

To Mr. SMITH of Virginia (at the request of Mr. DARDEN), for the balance of the week, on account of illness in his family.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 6297. An act for the relief of Leon Frederick Ruggles;

H. R. 6982. An act to amend section 80 of chapter 9 of an act to amend the act entitled "An act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898;

H. R. 11849. An act to amend an act entitled "An act to create a Library of Congress Trust Fund Board, and for other purposes", approved March 3, 1925; and

H. J. Res. 526. Joint resolution to authorize the Librarian of Congress to accept the property devised and bequeathed to the United States of America by the last will and testament of Joseph Pennell, deceased.

ADJOURNMENT

Mr. BANKHEAD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 3 minutes p. m.) the House adjourned until tomorrow, Thursday, April 9, 1936, at 12 o'clock noon.

COMMITTEE HEARING

COMMITTEE ON THE PUBLIC LANDS

The House Public Lands Committee will meet Thursday, April 9, 1936, at 10:30 a. m., in room 328, old House Office Building, to consider various bills.

EXECUTIVE COMMUNICATIONS, ETC.

768. Under clause 2 of rule XXIV a letter from the recorder of deeds of the District of Columbia, transmitting a copy of the annual report of the recorder of deeds to the President, was taken from the Speaker's table and referred to the Committee on the District of Columbia.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. SUMNERS of TEXAS: Committee on the Judiciary. H. R. 11615. A bill limiting the operation of sections 109 and 113 of the Criminal Code and section 190 of the Revised Statutes of the United States with respect to counsel in certain cases; with amendment (Rept. No. 2386). Referred to the Committee of the Whole House on the state of the Union.

Mr. GILLETTE: Committee on Foreign Affairs. S. 3950. An act to aid in defraying the expenses of the Sixteenth Triennial Convention of the World's Woman's Christian Temperance Union to be held in this country in June 1937; without amendment (Rept. No. 2387). Referred to the Committee of the Whole House on the state of the Union.

Mr. MURDOCK: Committee on Mines and Mining. H. R. 12190. A bill providing for the suspension of annual assessment work on mining claims held by location in the United States; without amendment (Rept. No. 2388). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. CARPENTER: Committee on the District of Columbia. H. R. 10724. A bill to amend the charter of the Washington Gas Light Co., and for other purposes; with amendment (Rept. No. 2385). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of rule XXII, the Committee on World War Veterans' Legislation was discharged from the consideration of the bill (H. R. 7090) for the relief of Leonard Gramstad, and the same was referred to the Committee on Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CARMICHAEL: A bill (H. R. 12212) to quiet title and possession with respect to certain lands in Tuscumbia, Ala.; to the Committee on the Public Lands.

By Mr. STARNES: A bill (H. R. 12213) to change the name of Guntersville Dam or Cole's Bend Dam to Franklin D. Roosevelt Dam; to the Committee on Military Affairs.

By Mr. GEARHART: A bill (H. R. 12214) for the relief of soldiers who were discharged from the United States Army during the Indian campaigns because of misrepresentation of age; to the Committee on Military Affairs.

By Mr. HULL: A bill (H. R. 12215) to amend an act entitled "An act to promote the conservation and profitable use of agricultural land resources by temporary Federal aid to farmers and by providing for a permanent policy of Federal aid to States for such purposes", approved February 29, 1936; to the Committee on Agriculture.

By Mr. O'MALLEY: A bill (H. R. 12216) limiting the power of the Secretary of War and the Secretary of the Navy in certain instances; to the Committee on Military Affairs.

By Mr. PIERCE: A bill (H. R. 12217) to authorize payments in lieu of allotments to certain Indians of the Klamath Indian Reservation in the State of Oregon, and to regulate inheritance of restricted property within the Klamath Reservation; to the Committee on Indian Affairs.

Also, a bill (H. R. 12218) providing for the final enrollment of the Indians of the Klamath Indian Reservation in the State of Oregon; to the Committee on Indian Affairs.

By Mr. SUMNERS of Texas: A bill (H. R. 12219) to dispense with unnecessary renewals of oaths of office by civilian employees of the executive departments and independent establishments; to the Committee on the Judiciary.

By Mr. WILCOX: A bill (H. R. 12220) to authorize the adjustment of the boundary of the Fort Marion National Monument, Fla., in the vicinity of Fort Marion Circle, and for other purposes; to the Committee on the Public Lands.

By Mr. WHITE: A bill (H. R. 12221) to amend section 304 of the Tariff Act of 1930 to require the marking of imported articles upon repacking, and for other purposes; to the Committee on Ways and Means.

By Mr. McCORMACK: A bill (H. R. 12222) to permit the temporary entry into the United States under certain conditions of alien participants and officials of the Leyden International Bureau attending an international conference to be held in the United States in 1936; to the Committee on Immigration and Naturalization.

By Mr. ASHBROOK: A bill (H. R. 12223) to amend section 239 of the act of June 8, 1872 (17 Stat. 312; U. S. C., title 39, sec. 500); to the Committee on the Post Office and Post Roads.

By Mr. COCHRAN (by request): A bill (H. R. 12224) to authorize and direct the Comptroller General of the United States to allow credit for all outstanding disallowances and suspension in the accounts of disbursing officers or agents of the Government for payments made pursuant to certain adjustments and increases in compensation of Government officers and employees; to the Committee on Expenditures in the Executive Departments.

By Mr. WOODRUFF: A bill (H. R. 12225) to protect domestic producers of sugar beets and sugar cane and to encourage the domestic production thereof by the regulation of foreign and interstate commerce in sugar; to provide for the fixing and revision of yearly quotas of sugar that may be imported into, transported to, or received in continental United States; to maintain a continuous and stable supply of sugar in continental United States for the benefit of both producers and consumers, and for other purposes; to the Committee on Agriculture.

By Mr. BROOKS: A bill (H. R. 12226) authorizing the Chief of the Weather Bureau to establish telephone, telegraph, radio river-stage recorders, distance-recording gages, or radio-telephone stations for the gathering and dissemination of flood information; to the Committee on Agriculture.

By Mr. DALY: Resolution (H. Res. 481) requesting information with respect to the naval hospital at Philadelphia, Pa.; to the Committee on World War Veterans' Legislation.

By Mr. STARNES: Resolution (H. Res. 482) to increase pay in the Office of Official Reporters of Debates; to the Committee on Accounts.

By Mr. KENNEY: Resolution (H. Res. 483) authorizing the appointment of a select committee of the House to

investigate the activities of commercial and civil aviation industries engaged in interstate commerce; to the Committee on Rules.

By Mr. GREEN: Joint resolution (H. J. Res. 564) making an appropriation to aid in the financing of non-Federal projects submitted to the Public Works Administration and recommended for approval by State engineers (P. W. A.) and advisory boards; to the Committee on Appropriations.

By Mr. MARTIN of Massachusetts: Concurrent resolution (H. Con. Res. 47) declaring the policy of Congress toward funded war debts due the United States; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of New Jersey, regarding the transfer of the Delaware and Raritan Canal; to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DOBBINS: A bill (H. R. 12227) granting a pension to Lawrence A. Golden; to the Committee on Invalid Pensions.

By Mr. GOLDSBOROUGH: A bill (H. R. 12228) for the relief of Mrs. George E. Richardson; to the Committee on Claims.

By Mr. HARLAN: A bill (H. R. 12229) granting a pension to Mary F. Clark; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12230) for the relief of Donald L. Bookwalter; to the Committee on Claims.

Also, a bill (H. R. 12231) for the relief of Chester Earl Rist; to the Committee on Naval Affairs.

By Mr. KLEBERG: A bill (H. R. 12232) for the relief of Llewellyn B. Griffith; to the Committee on Military Affairs.

By Mr. LEWIS of Maryland: A bill (H. R. 12233) for the relief of the heirs of William F. Stearns; to the Committee on War Claims.

By Mr. McFARLANE: A bill (H. R. 12234) for the relief of Roy Burns, alias Arthur Clark; to the Committee on Military Affairs.

By Mr. MAVERICK: A bill (H. R. 12235) authorizing and directing the appointment of Joseph W. Harrison as a captain in the Chaplain Reserve Corps; to the Committee on Military Affairs.

By Mr. PETERSON of Florida: A bill (H. R. 12236) granting a pension to Sallie E. Perrin; to the Committee on Invalid Pensions.

By Mr. SCHULTE: A bill (H. R. 12237) for the relief of Roscoe D. Guy; to the Committee on Military Affairs.

By Mr. SNYDER of Pennsylvania: A bill (H. R. 12238) granting a pension to Milton Warner; to the Committee on Invalid Pensions.

By Mr. WELCH: A bill (H. R. 12239) for the relief of Charles F. Stone; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

10695. By Mr. BACON: Petition of 116 citizens of Nassau County, N. Y., principally from Albertson, N. Y., protesting against the enactment of the so-called Kerr immigration bill (H. R. 8163), and praying that the House of Representatives defeat this proposal; to the Committee on Immigration and Naturalization.

10696. By Mr. CONNERY: Petition of the city council of Cambridge, Mass., disapproving the abandoning of Civilian Conservation Corps camps in Massachusetts; to the Committee on Appropriations.

10697. By Mr. FITZPATRICK: Memorial of the New York State Assembly, requesting an annual appropriation of \$2,500,000 for the maintenance and operating expenses of

the New York State canal system; to the Committee on Appropriations.

10698. By Mr. SMITH of Virginia: Petition presented by Frances M. Mabry, of Ballston, Va., and Mrs. G. A. Hamilton, of Clarendon, Va., and signed by several thousands of individuals, endorsing House bill 8739, introduced by Mr. GUYER, of Kansas, during the first session of the present Congress; to the Committee on the District of Columbia.

10699. By Mr. TERRY: Petition of the Chamber of Commerce of Little Rock, Ark., duly adopted April 6, 1936, requesting the Congress to include in the new flood-control legislation now pending in the Senate, levee and reservoir projects provided in House bill 8455, on the White and Arkansas Rivers in Arkansas; to the Committee on Flood Control.

10700. By Mr. WILLIAMS: Petition of George Keeney, of Rolla, Mo., and others, requesting changes in tenure of office and compensation of star-route mail carriers; to the Committee on the Post Office and Post Roads.

SENATE

THURSDAY, APRIL 9, 1936

(Legislative day of Monday, Feb. 24, 1936)

The Senate met at 11:30 o'clock a. m., on the expiration of the recess.

THE JOURNAL

On request of Mr. ROBINSON, and by unanimous consent, the reading of the Journal of the legislative proceedings of the calendar day April 8, 1936, was dispensed with, and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 11663) to require reports of receipts and disbursements of certain contributions, to require the registration of persons engaged in attempting to influence legislation, to prescribe punishments for violation of this act, and for other purposes, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. WEAVER, Mr. MILLER, Mr. CELLER, Mr. WALTER, Mr. HESS, and Mr. GUYER were appointed managers on the part of the House.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 11006. An act providing for the examination of the Nueces River and its tributaries in the State of Texas for flood-control purposes;

H. R. 11562. An act to renew patent no. 25909, relating to the badge of the United States Daughters of 1812; and

H. R. 12037. An act relating to compacts and agreements among States in which tobacco is produced providing for the control of production of, or commerce in, tobacco in such States, and for other purposes.

The message further announced that the House had agreed to the amendments of the Senate to the bill (H. R. 11053) authorizing the President to present the Distinguished Service Medal to Commander Percy Todd, British Navy, and the Navy Cross to Lt. Comdr. Charles A. deW. Kitcat, British Navy.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 536. An act for the relief of Ada Mary Tornau;

S. 754. An act to amend section 21 of the act approved June 5, 1920, entitled "An act to provide for the promotion and maintenance of the American merchant marine, to repeal certain emergency legislation, and provide for the disposition, regulation, and use of property acquired thereunder, and for other purposes", as applied to the Virgin Islands of the United States;